

Exhibit P

Alan W. Chambers

Page 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISIONIN RE: DIGITEK PRODUCT LIABILITY
LITIGATIONALAN CHAMBERS,
Plaintiff

V MDL NO. 2:08-1175

ACTAVIS TOTOWA, LLC, et al,
Defendants

Oral deposition of ALAN W. CHAMBERS, taken at the law offices of Locks Law Firm, 457 Haddonfield Road, Suite 500, Cherry Hill, New Jersey, on Tuesday, September 22, 2009, commencing at approximately 10:20 a.m., before Maureen E. Broderick, a Registered Professional Reporter and Notary Public, pursuant to notice.

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1 ALAN W. CHAMBERS, having been
2 duly sworn, was examined and testified
3 as follows:

4 COURT REPORTER:

5 Stipulations?

6 MR. PETTIT: Read and sign.

7 EXAMINATION

8 BY MR. SIMON:

9 Q. Mr. Chambers, my name is John
10 Simon. We were introduced a few moments
11 ago.

12 We're here today to take your
13 deposition in a lawsuit you filed
14 against two companies, Actavis and
15 Mylan.

16 Is that your understanding?

17 A. Yes.

18 Q. Could you please state your full
19 name for the record.

20 A. Alan, A-L-A-N, Wayne, W-A-Y-N-E,
21 Chambers, C-H-A-M-B-E-R-S.

22 Q. Have you ever had your deposition
23 taken before?

24 A. No, I haven't.

25 Q. Okay. A deposition is basically a

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25 I Plaintiff Fact Sheet

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1 question-and-answer session. I'm going
2 to be asking you a number of questions
3 about yourself, your background and this
4 lawsuit. You're going to be providing
5 the answers to those questions. Okay?

6 A. Yes.

7 Q. In the event you don't understand
8 one of my questions, it's unclear, it
9 doesn't make sense to you, please let me
10 know and I'll be happy to rephrase it so
11 that we can come to an understanding.
12 Okay?

13 A. Yes.

14 Q. Another rule of the deposition is,
15 you have to wait until I finish my
16 questions before you can provide your
17 answer, otherwise, the court reporter
18 can't accurately reflect the questions
19 and answers. Okay?

20 A. Yes, I understand. Yes.

21 Q. In addition to that, please keep
22 your responses verbal. Nods of the
23 head, shrugs of the shoulders, we
24 frequently do that when we're
25 communicating, but for a deposition,

1 (Pages 1 to 4)

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Alan W. Chambers

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1 please attempt to avoid that. Okay?
 2 A. Yes.
 3 Q. What is your address,
 4 Mr. Chambers?
 5 A. [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 Q. How long have you lived at that
 9 address?
 10 A. Since 1993.
 11 Q. Can you describe for me what type
 12 of home or apartment it is?
 13 A. It's a -- I guess you would say, a
 14 bungalow-type, small dwelling.
 15 Q. How many bedrooms does it have?
 16 A. I have officially three bedrooms.
 17 One bedroom is smaller than the other.
 18 It's like a --
 19 Q. How many bathrooms does it have?
 20 A. I have two bathrooms.
 21 Q. Is it a one-level unit or does it
 22 have more than one floor?
 23 A. There is a basement, but there's
 24 one level.
 25 Q. With whom do you live?

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1 A. I live with [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 Q. How long have you been married to
 5 your wife?
 6 A. Since '93, 16 years.
 7 Q. What is your son's name?
 8 A. [REDACTED]
 9 Q. Before we go on, what is your
 10 wife's name?
 11 A. [REDACTED]
 12 Q. Chambers also?
 13 A. Yes.
 14 Q. And how old is your son?
 15 A. [REDACTED]
 16 Q. [REDACTED]
 17 A. [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 Q. [REDACTED]
 21 [REDACTED]
 22 A. [REDACTED]
 23 [REDACTED]
 24 Q. [REDACTED]
 25 [REDACTED]

Page 7

1 [REDACTED]
 2 [REDACTED]
 3 A. [REDACTED]
 4 [REDACTED]
 5 Q. Are you making a lost wage claim
 6 in this lawsuit?
 7 A. No.
 8 Q. You indicated that you do own a
 9 business, though.
 10 Can you give me a brief
 11 description of the business and what you
 12 do.
 13 A. Yes. I've been in the landscape
 14 and lawn maintenance business since
 15 officially since 1976, and it entails
 16 mainly we do lawn maintenance work and
 17 gardening.
 18 Q. When you say you do lawn
 19 maintenance work, what type of things do
 20 you do?
 21 A. Cutting lawns, cleanups, leaves,
 22 that nature. Pruning shrubs, trimming
 23 shrubs.
 24 Q. Is there a -- I'm sorry.
 25 Is there a commercial, as

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1 well as residential that you handle as
 2 part of that business?
 3 A. From time to time, yes. In the
 4 past, yes.
 5 Q. What is the bulk of it, though?
 6 A. It's residential.
 7 Q. Have you ever been in the
 8 military?
 9 A. No, I haven't.
 10 Q. Have you ever brought a lawsuit
 11 before?
 12 A. No, I haven't.
 13 Q. Have you ever been sued?
 14 A. I don't recall. I don't believe I
 15 have. I would have remembered if -- I
 16 would have to say no in that regard.
 17 Q. Have you ever brought any lawsuits
 18 as part of your business enterprise?
 19 A. No.
 20 Q. Has your business ever been sued?
 21 A. No.
 22 Q. Have you ever filed a Workers'
 23 Compensation claim?
 24 A. No, I haven't.
 25 Q. Have you ever filed a claim for

2 (Pages 5 to 8)

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1 Social Security disability benefits?
 2 A. Yes, I have.
 3 Q. Where did you file that?
 4 A. Cherry Hill office.
 5 Q. And when did you file that?
 6 A. It's been a -- I've filed four
 7 times over the last, I would estimate,
 8 three, three to four years.
 9 Q. What were the results of those
 10 applications?
 11 A. I was denied.
 12 Q. You filed three or four times, and
 13 on each of those occasions you were
 14 denied?
 15 A. That's correct.
 16 Q. What conditions were you claiming?
 17 A. Disability due to my heart
 18 condition.
 19 Q. What is it about your heart
 20 condition that caused you to file a
 21 claim for disability?
 22 A. I'm not able to physically do the
 23 work like I used to before I was
 24 stricken with it.
 25 Q. And what types of things are you

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1 Q. How did you learn that you might
 2 have a claim due to your use of Digitek?
 3 A. I believe it was on television,
 4 there was an attorney advertisement
 5 about Digitek. Basically, if you had
 6 taken Digitek, you know...
 7 Q. When did you see that
 8 advertisement from an attorney regarding
 9 Digitek and the possibility of a
 10 lawsuit?
 11 A. It would have been in 2008, I
 12 guess, after the recall. I can't recall
 13 exactly when I saw the advertisement.
 14 Q. Do you know the name of the law
 15 firm that was being advertised?
 16 A. No, I don't.
 17 Q. What did you do once you saw that
 18 advertisement?
 19 A. Well, I had -- actually, I didn't
 20 do anything, because I was taking the
 21 medication for a short period of time,
 22 and I felt that my doctor would notify
 23 me or my pharmacist would notify me of
 24 any problems regarding that.
 25 So --

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1 no longer able to do that you were able
 2 to do in the past?
 3 A. I can't -- I can still do the
 4 work, but I can't do the amount of work
 5 that I used to be able to do. Like
 6 cutting lawns, I can't be pushing a lawn
 7 mower for long periods of time due to
 8 the heart situation.
 9 It's overall lack of -- I
 10 don't have the energy like I did because
 11 of the heart situation, I presume.
 12 Q. Are you able to do everything you
 13 were able to do before, it's just that
 14 you can't do as much?
 15 A. That's correct.
 16 Q. Do you have any applications
 17 currently pending for disability?
 18 A. No, I don't.
 19 Q. Do you anticipate filing again in
 20 the near future?
 21 A. I don't anticipate doing it.
 22 Q. Did anyone assist you with your
 23 filings for Social Security disability?
 24 A. No. No. It was on my own
 25 volition.

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1 Q. Did -- I'm sorry.
 2 A. -- that's basically why I didn't
 3 do anything because...
 4 Q. Did any of your doctors or
 5 pharmacists alert you to any problems
 6 you had as a result of your use of
 7 Digitek?
 8 A. Basically, the way I found out
 9 was, I went to renew my prescription in
 10 March, I believe, and they told me there
 11 was a recall on it. And that was all
 12 they said, basically.
 13 Q. Who told you that there was a
 14 recall?
 15 A. One of the technicians at the
 16 pharmacy.
 17 Q. And what pharmacy was that at?
 18 A. This is a Rite-Aid Pharmacy in
 19 Pennsauken.
 20 Q. Did you talk to the pharmacist?
 21 A. I don't recall talking to the
 22 pharmacist. I basically asked, you
 23 know, there was a recall, and they said
 24 yes. So I left it up to my doctor to
 25 contact me as to any alternative, or

3 (Pages 9 to 12)

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1 whatever.
 2 Q. What did the technician tell you
 3 about the recall?
 4 A. Basically, they told me that the
 5 dosage was improper. She was very
 6 limited as to her information. The
 7 dosage, you know, was improper
 8 specifications. So that was the reason
 9 for the recall.
 10 Q. Did you ask her any questions
 11 about the recall?
 12 A. I just asked her why was it
 13 recalled and that's basically what she
 14 told me.
 15 Q. And you don't recall speaking to
 16 the pharmacist about the recall?
 17 A. No. No.
 18 Q. What did you do once you found out
 19 about the recall?
 20 A. Well, I was out of it, so I didn't
 21 take it. I waited for a short period of
 22 time to have somebody call me, which
 23 never happened.
 24 Q. So what did you personally do once
 25 you found out about the recall with

Page 15

1 about the recall in March of 2008,
 2 correct?
 3 A. Yes. It was a routine visit, yes.
 4 Q. And did you discuss Digitek at all
 5 at that visit?
 6 A. I mentioned to him that I was
 7 experiencing contractions and he said he
 8 felt it was the device. I have an
 9 implanted defibrillator and he mentioned
 10 that he thought it was the device
 11 causing that, the contractions, not the
 12 medication.
 13 Q. And did you specifically ask him
 14 about the medication Digitek you were
 15 taking?
 16 A. Yes, I did. Because I wasn't sure
 17 what was causing the severe
 18 contractions. I wasn't getting them all
 19 the time, but I was getting them. And
 20 they're different from palpitations.
 21 I'm used to getting
 22 palpitations with my condition. These
 23 were strong contractions I was getting,
 24 which was different.
 25 And he said -- that's when he

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1 respect to your Digitek?
 2 A. I had a routine -- I had a visit
 3 to my -- my cardiologist, I see him
 4 every three months. And in, I believe,
 5 it was June I went to see him.
 6 I more or less left it up to
 7 my doctor to inform me as to any
 8 alternative or whatever, which didn't
 9 happen, basically.
 10 Q. What did your doctor say to you
 11 about the Digitek recall when you saw
 12 him, you believe, in June?
 13 A. I saw him in March, which was
 14 before the recall. I told him --
 15 MR. PETTIT: Hang on. Just
 16 make sure you're answering the right
 17 question.
 18 You can answer however you
 19 want, just answer his question after the
 20 recall.
 21 THE WITNESS: Can you repeat
 22 the question. I forget what the --
 23 BY MR. SIMON:
 24 Q. Well, you were telling me that you
 25 saw your doctor before you found out

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1 mentioned about he felt it was the
 2 device causing that rather than the
 3 medication.
 4 Q. So, in March of 2008, your
 5 physician -- first of all, what
 6 physician was it that you saw?
 7 A. This is my cardiologist.
 8 Q. What is his name?
 9 A. Dr. Burke.
 10 Q. In March of 2008, Dr. Burke did
 11 not feel that your contractions were
 12 being caused by your medications,
 13 including Digitek; is that correct?
 14 A. That is correct. That's correct.
 15 Q. You said that you found out about
 16 the recall sometime in March of 2008,
 17 correct, after that visit with your
 18 doctor?
 19 A. I found out when it was actually
 20 recalled, that would be, I guess, April,
 21 or whenever that was, by asking the
 22 pharmacy. That's how I was notified of
 23 the recall, at the pharmacy.
 24 Q. So it wasn't until April sometime
 25 in 2008 that you found out about the

4 (Pages 13 to 16)

Alan W. Chambers

Page 17

1 recall.
 2 A. That's correct.
 3 Q. Now, you indicated that you saw
 4 your cardiologist again as part of your
 5 routine seeing him every three months in
 6 June of 2008, correct?
 7 A. That's correct. That's correct.
 8 Q. What did you do between April of
 9 2008 when you found out about the recall
 10 and June of 2008 regarding your use of
 11 Digitek?
 12 A. I didn't have any Digitek to take
 13 because they didn't have any for me
 14 because of the recall.
 15 So I waited until, you know,
 16 a couple -- I figured I was waiting for
 17 my doctor to notify me of an
 18 alternative. So I -- they put me on
 19 digoxin after that period. Generic, I
 20 guess, digoxin.
 21 But there was a period of
 22 time there when, you know, I was waiting
 23 for somebody to contact me as to an
 24 alternative. So I didn't take anything
 25 in that regard because I didn't have

Page 18

1 anything to take.
 2 Q. When you found out about the
 3 recall in April of 2008 and nobody had
 4 contacted you, did you think to contact
 5 your doctor?
 6 A. Well, I thought I was coming up on
 7 a routine visit in June, so I thought if
 8 there was any problem, I left it up to
 9 him to -- his professionalism to contact
 10 me if there would be a problem in the
 11 interim period.
 12 Q. What did you do with respect to
 13 your Digitek use between April and June
 14 of 2008?
 15 A. Nothing. I didn't have it to take
 16 because it was recalled.
 17 Q. So you didn't take anything?
 18 A. I didn't take anything.
 19 Q. You indicated that in your March
 20 of 2008 visit you were experiencing what
 21 you referred to as contractions.
 22 What do you mean when you say
 23 you were experiencing contractions?
 24 A. My understanding of my heart
 25 situation, I get routine palpitations

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1 with the atrial fibrillation, which is a
 2 fluttering feeling. This was different.
 3 This was a pounding from the lower part.
 4 Like the fluttering -- I'm
 5 getting it right now. The fluttering is
 6 -- more or less, the atrium is located
 7 on the top of the heart, the upper
 8 surface of the heart.
 9 The pounding, apparently, was
 10 the contractions from the ventricle
 11 part, and that was different.
 12 It was a real -- it felt like
 13 my chest -- it was going to fly out of
 14 my chest. It would just come out of
 15 nowhere. It would just be -- and then
 16 it would subside after, say, ten, 15
 17 minutes.
 18 Q. Did you discuss these contractions
 19 with any of your physicians?
 20 A. Yes. Yes.
 21 Q. With what physicians did you
 22 discuss your contractions?
 23 A. I discussed it with -- my
 24 cardiologist was aware of the situation
 25 when I mentioned to him in the March

Page 20

1 visit about the contractions.
 2 I discussed it with my
 3 primary care physician, Dr. McDermet.
 4 Q. You talked about contractions with
 5 Dr. Burke in March of 2008 when you saw
 6 him.
 7 A. Yes. That's correct.
 8 Q. Did you discuss contractions with
 9 him at any other time?
 10 A. No. I felt -- you know, he seemed
 11 to feel it was the device rather than
 12 the -- so there was no need to continue
 13 to discuss it with him. He was aware of
 14 it. I just wanted to make him aware of
 15 it.
 16 Q. Now, you also indicated that you
 17 spoke with Dr. McDermet.
 18 A. Yes. He's my primary care
 19 physician, yes.
 20 Q. When did you speak with
 21 Dr. McDermet about contractions?
 22 A. That was in September of 2008.
 23 Q. What did you tell Dr. McDermet
 24 about the contractions?
 25 A. Well, I was back on the digoxin

5 (Pages 17 to 20)

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1 and I was having the same problems with
 2 the severe contractions, so I stopped
 3 taking it.
 4 And I mentioned to him that I
 5 stopped taking it. And he said it was a
 6 good thing I did based on what I told
 7 him with the severe contractions.
 8 Q. When were you experiencing the
 9 contractions you discussed with
 10 Dr. McDermet?
 11 A. It was in, as far as I can recall,
 12 August. It was definitely in August of
 13 2008. It could have been July also.
 14 I didn't have any record of
 15 -- I didn't keep any record of actually
 16 when I experienced them.
 17 Q. Now, I believe you indicated
 18 earlier that you saw your cardiologist
 19 in June of 2008, correct?
 20 A. Yes. That's correct.
 21 Q. And that was a routine follow-up
 22 visit --
 23 A. Right.
 24 Q. -- that you had with him every
 25 three months.

Page 22

1 A. Right.
 2 Q. Do you continue to see your
 3 cardiologist every three months?
 4 A. Yes, I do.
 5 Q. Now, with that June of 2008 visit,
 6 I believe you indicated that he changed
 7 your prescription.
 8 A. I'm not aware -- I know I was
 9 placed on the regular digoxin,
 10 obviously, because the Digitek was
 11 recalled.
 12 Q. So you're aware, and it's your
 13 understanding, that Digitek was recalled
 14 in April of 2008, and you received a
 15 prescription for another form of digoxin
 16 in June of 2008, correct?
 17 A. That's correct. Yes.
 18 Q. Now, after you started taking the
 19 digoxin that you were prescribed in June
 20 of 2008, you, once again, began
 21 experiencing contractions with the new
 22 digoxin you began taking in June of
 23 2008, in July and August of 2008?
 24 A. Yes. That's correct.
 25 Q. And that's what prompted your

Page 23

1 discussion with Dr. McDermet about your
 2 contractions in August --
 3 A. That is correct.
 4 Q. -- of 2008.
 5 You have to wait until I
 6 finish my question.
 7 A. Okay.
 8 Q. And that's what prompted your
 9 discussion with Dr. McDermet about the
 10 contractions you were having in July and
 11 August of 2008.
 12 A. Yes. That's correct.
 13 Q. And the contractions you were
 14 having in July and August of 2008, were
 15 they similar to the contractions you
 16 were having back in March of 2008?
 17 A. Yes. As far as I can recall, yes.
 18 Q. Now, you indicated earlier that
 19 you routinely have what you described as
 20 palpitations, correct?
 21 A. Yes.
 22 Q. Describe for me what you mean by
 23 "palpitations."
 24 A. It's been described by others,
 25 I've read, that there's a -- it feels

Page 24

1 like goldfish in your chest. I guess,
 2 out of lack of a better explanation,
 3 that's basically -- there's a
 4 fluttering, you feel a fluttering.
 5 Q. Have you talked with anyone else,
 6 besides your lawyers, about this
 7 lawsuit?
 8 A. No. No, I haven't.
 9 Q. Have you talked about this lawsuit
 10 with your wife?
 11 A. Of course, you know, I mentioned
 12 that, you know, the proceedings were --
 13 other than that, no details or anything.
 14 Q. Have you discussed your health
 15 condition and your contractions that you
 16 were experiencing with your wife?
 17 A. Yes.
 18 Q. What did you tell your wife about
 19 the contractions?
 20 A. I've told her that -- when they do
 21 occur, I tell her. I make her aware of
 22 when they do occur and the severity of
 23 it, basically.
 24 Q. Now, you indicated that you told
 25 Dr. McDermet you were experiencing the

6 (Pages 21 to 24)

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1 heart contractions in July and August of
 2 2008 at a September visit, correct?
 3 A. That's correct.
 4 Q. What did you do or what did he
 5 suggest?
 6 A. I had already stopped taking in
 7 August the medication because of the
 8 contractions. And he said, he mentioned
 9 -- all he mentioned to me was he felt
 10 that it was good that I stopped taking
 11 it based on the information I gave him.
 12 Q. Did your contractions stop after
 13 you discontinued the digoxin in August
 14 of 2008?
 15 A. Yes. Yes.
 16 Q. Have you had any contractions
 17 since you discontinued digoxin in August
 18 of 2008?
 19 A. Not that I can recall.
 20 Q. Have any of your physicians told
 21 you that it was the digoxin you were
 22 taking that was causing your
 23 contractions?
 24 A. No.
 25 Q. Do you know any of the other

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1 plaintiffs in this lawsuit?
 2 A. No, I don't.
 3 Q. Do you know anyone else who used
 4 or uses Digitek or digoxin?
 5 A. No.
 6 Q. Do you know of anyone else who
 7 believes they have health problems as
 8 a result of using Digitek?
 9 A. No.
 10 Q. You indicated earlier that you
 11 learned of the recall in a discussion
 12 with the pharmacy technician at
 13 Rite-Aid.
 14 A. That's correct.
 15 Q. Did you ever receive any letters
 16 or written materials about the recall?
 17 A. I don't recall receiving anything
 18 concerning it.
 19 Q. When did you first consider the
 20 possibility of participating in this
 21 lawsuit?
 22 A. I really can't recall an exact
 23 time. I was just aware of the
 24 contractions that I was having and I
 25 can't really put a time frame on it.

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1 Q. Who suggested that you participate
 2 in this lawsuit?
 3 MR. PETTIT: Object to the
 4 form.
 5 You can answer.
 6 THE WITNESS: I contacted an
 7 attorney that lives in town, Steven
 8 Petrillo, and he referred me here.
 9 BY MR. SIMON:
 10 Q. How do you know Steven Petrillo?
 11 A. He's a prominent attorney in
 12 Pennsauken, and he's right next to where
 13 I go to get my blood work done, and I
 14 know he handles cases of, you know,
 15 malpractice or whatever.
 16 Q. Why did you elect not to retain
 17 Mr. Petrillo as your attorney?
 18 A. His office referred me here.
 19 Q. Did you have a meeting with
 20 Mr. Petrillo before?
 21 A. No, I didn't.
 22 Q. How did you correspond or discuss
 23 the possibility of a lawsuit with his
 24 office?
 25 A. Just an initial visit to the

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1 office and they said that they don't
 2 particularly handle this type of
 3 situation, so they referred me to Locks
 4 Law Firm.
 5 Q. Who did you meet at Mr. Petrillo's
 6 office?
 7 A. It was one of the receptionists.
 8 Q. Was it your decision to file the
 9 lawsuit?
 10 A. Yes.
 11 Q. Do you recall when you first
 12 decided to file it?
 13 A. I was --
 14 THE WITNESS: Is it okay
 15 to -- I mean --
 16 MR. PETTIT: I'm a little --
 17 he's asking you for a date. See, this
 18 involves attorney/client privilege. I'm
 19 listening to his questions very
 20 carefully.
 21 He just asked you for a date.
 22 Let's just take it a question at a time.
 23 THE WITNESS: A date that I
 24 decided to file?
 25 BY MR. SIMON:

7 (Pages 25 to 28)

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1 Q. Yeah. When did you first decide
2 to file a lawsuit?
3 A. Actually, I can't put a date on it
4 exactly.
5 Q. I don't want to know about any
6 conversations you had with Mr. Pettit or
7 anyone from his office.
8 A. I more or less contacted the
9 office here and --
10 MR. PETTIT: He just wants to
11 know the date. You know the date or you
12 don't know the date.
13 THE WITNESS: I don't -- I
14 don't recall the date.
15 BY MR. SIMON:
16 Q. Who did you talk to about it?
17 A. When I -- from this office, I
18 talked to Mr. Pettit. He returned my
19 call.
20 Q. So the initial contact was via
21 telephone?
22 A. Yes.
23 Q. Was there a subsequent meeting
24 that took place with Mr. Pettit or
25 someone from his office?

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1 A. After the phone call, yes, just to
2 discuss the case, or whatever, and
3 information.
4 Q. Did you know of the Locks Law Firm
5 before Mr. Petrillo referred you?
6 A. No, I didn't.
7 Q. Did you know of Mr. Pettit
8 before --
9 A. No.
10 Q. -- Mr. Petrillo referred you?
11 A. No.
12 Q. Have you ever seen any
13 advertisements by the Locks Law Firm?
14 A. No, I haven't.
15 Q. Have you done any Internet
16 research about law firms?
17 A. No.
18 Q. What is your understanding of this
19 lawsuit?
20 A. My understanding is, I'm
21 representing residents of New Jersey who
22 took the recalled heart medication
23 Digitek. And there is -- the lawsuit is
24 involving compensation for doctors'
25 visits, testing, and medication expense

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1 that they incurred.
2 Q. Did you incur any expenses for
3 doctor visits as a result of your use of
4 Digitek?
5 A. I have one doctor's visit in June,
6 which was my doctor visit. That's
7 basically a routine doctor visit.
8 Q. Are you seeking to recover for the
9 expenses for that June office visit?
10 A. Yes. Yes.
11 Q. Was that a regularly scheduled
12 three-month interval office visit?
13 A. Yes.
14 Q. And the June of 2008 office visit
15 for which you seek to recover expenses
16 would have occurred even if you weren't
17 taking Digitek.
18 A. That's correct.
19 Q. Did you undergo any testing as a
20 result of your use of Digitek?
21 A. No.
22 Q. Are you seeking to recover for any
23 testing that you underwent?
24 A. No.
25 Q. Have your physicians suggested to

Page 32

1 you that you have any medical monitoring
2 as a result of your use of Digitek?
3 A. No.
4 Q. Have you had any testing or
5 medical monitoring since you
6 discontinued your Digitek?
7 A. No, I haven't.
8 Q. Did you have any medical testing
9 or monitoring while you were taking
10 Digitek?
11 MR. PETTIT: Object to the
12 form.
13 You can answer.
14 THE WITNESS: Pardon me?
15 MR. PETTIT: I'm objecting to
16 the form of the question, but you can
17 answer it.
18 THE WITNESS: I have routine
19 -- I have to go to the Heart Failure
20 Clinic. I have routine EKGs given to me
21 on a periodic basis. It's at the same
22 office as my cardiologist.
23 BY MR. SIMON:
24 Q. Are the testing that you have
25 routine, and you have them periodically

8 (Pages 29 to 32)

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1 and continue to have them periodically
 2 on an ongoing basis?
 3 A. That's correct.
 4 Q. Why did you want to become
 5 involved in this lawsuit?
 6 A. My feelings are that being that
 7 the product was recalled, that people,
 8 like myself, that were taking the
 9 product, the medication, are entitled to
 10 reimbursement of expenses that may have
 11 been -- that was, you know, directly
 12 responsible from the recalled Digitek;
 13 testing, doctors' visits, medication,
 14 whatever.
 15 Q. What expenses are you claiming
 16 were directly caused by your use of the
 17 recalled Digitek?
 18 A. It would have been the expense of
 19 the medication itself.
 20 Q. How much were you paying for your
 21 Digitek?
 22 A. I pay \$5 copay each time I take
 23 out a prescription.
 24 Q. Do you pay \$5 for all your
 25 medications?

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1 A. Yes. That's a copay.
 2 Q. When your physician switched your
 3 Digitek in June of 2008, how much were
 4 you paying for the switched
 5 prescription?
 6 A. It's the same amount.
 7 Q. What do you think has been done
 8 wrong to you as a result of your use of
 9 Digitek?
 10 A. Can you explain that question.
 11 When you say "wrong," what do
 12 you mean specifically by that?
 13 Q. How have you been harmed by your
 14 use of Digitek?
 15 A. I'm not a professional. I'm not a
 16 cardiologist. I know I experienced
 17 severe contractions when I was taking it
 18 and I'm not versed in what the -- to
 19 know what damage might have been caused
 20 or might not have.
 21 That's the best answer I can
 22 give you.
 23 Q. Do you believe that you have
 24 experienced any permanent damage as a
 25 result of your use of Digitek?

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1 A. I don't believe I have, no.
 2 Q. Do you believe that you
 3 experienced any nonpermanent damage as a
 4 result of your use of Digitek?
 5 A. The only thing I experienced was
 6 the strong contractions. Whether
 7 they're permanent or nonpermanent, I'm
 8 not aware of.
 9 Now, once again, I allow my
 10 cardiologist to guide me through
 11 whatever may or may not have happened.
 12 Q. Has your cardiologist indicated
 13 that you experienced any damage as a
 14 result of your use of -- damage or
 15 injury as a result of your use of
 16 Digitek?
 17 A. No.
 18 Q. First of all, where do you receive
 19 your prescriptions from?
 20 A. Rite-Aid Pharmacy, Maple Avenue,
 21 Pennsauken, New Jersey.
 22 Q. How long a period of time have you
 23 obtained your prescriptions from that
 24 Rite-Aid?
 25 A. They used to be at another

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1 location. They closed down. I would
 2 say approximately two to three years.
 3 Q. Where was the prior location that
 4 you used to receive your prescription
 5 medications?
 6 A. It was located on Cinnaminson
 7 Avenue in Cinnaminson, New Jersey.
 8 Q. When you receive prescriptions
 9 from Rite-Aid, do they give you
 10 information, written information?
 11 A. Yes, they do.
 12 Q. Do you have any of the written
 13 information you received with your
 14 Digitek prescriptions?
 15 MR. PETTIT: Object to the
 16 form.
 17 THE WITNESS: I don't -- I
 18 don't have any that I'm aware of. I
 19 usually read it and, you know, I'm aware
 20 of it.
 21 BY MR. SIMON:
 22 Q. Did you receive written
 23 information from Rite-Aid about Digitek
 24 when you filled your prescriptions?
 25 A. Yes. It's a procedure with each

9 (Pages 33 to 36)

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1 prescription they give me, you know, the
 2 information form on the -- all the
 3 medications.
 4 Q. Did you read any of the written
 5 information that you received with your
 6 Digitek prescriptions?
 7 A. I don't recall reading it, no.
 8 Q. Do you normally read all of the
 9 written materials you receive with your
 10 prescriptions?
 11 A. On the first time I take it,
 12 generally I do. But not -- it might not
 13 have applied. I usually like to be
 14 aware of what I'm taking, at least the
 15 first time, before I take anything.
 16 Q. Did you review the written
 17 information provided by Rite-Aid with
 18 your initial prescription of Digitek?
 19 MR. PETTIT: Object to the
 20 form.
 21 THE WITNESS: I don't recall.
 22 BY MR. SIMON:
 23 Q. Did your doctors give you any
 24 written materials about Digitek or
 25 digoxin?

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1 A. No.
 2 Q. Did you do any Internet research
 3 about Digitek or digoxin?
 4 A. No.
 5 Q. Did you cut out any articles,
 6 whether it be newspapers or magazines --
 7 A. No.
 8 Q. -- about Digitek?
 9 A. No.
 10 Q. Do you keep a diary or notes
 11 regarding your health?
 12 A. No, I don't.
 13 Q. Do you keep any sort of record
 14 that would record your weight, blood
 15 pressure, blood sugars, or other medical
 16 conditions?
 17 A. Other than I do have a blood
 18 pressure monitor that I use to -- if I
 19 notice any problem, I contact my doctor.
 20 Q. Do you write down any of the blood
 21 pressure readings you obtain?
 22 A. No. It's mainly I read it, and if
 23 there's a problem, I contact...
 24 Q. Do you use a computer?
 25 A. Yes, I do.

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1 Q. Do you have any web sites or
 2 blogs?
 3 A. No.
 4 Q. Have you written any Internet
 5 postings about Digitek?
 6 A. No, I haven't.
 7 Q. Have you gone to any web sites to
 8 seek information about Digitek or the
 9 recall?
 10 A. No.
 11 Q. Have you ever reviewed the FDA web
 12 site?
 13 A. No, I haven't.
 14 Q. Have you ever reviewed the Actavis
 15 web site?
 16 A. No, I haven't.
 17 Q. Have you ever reviewed the Mylan
 18 web site?
 19 A. No.
 20 Q. What are you aware about the risks
 21 of Digitek or digoxin?
 22 MR. PETTIT: Object to the
 23 form.
 24 THE WITNESS: I know with
 25 medications you have to be -- I know

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1 when I take my medication, I should eat
 2 something with it and not take it on an
 3 empty stomach, because of the strength
 4 of the medication may be detrimental as
 5 far as how I feel, or whatever.
 6 But other than that...
 7 BY MR. SIMON:
 8 Q. Are you aware of any other risks
 9 or side effects of Digitek?
 10 A. Not of Digitek, no.
 11 Q. Same question with respect to
 12 digoxin.
 13 Are you aware of any other
 14 risks or side effects of digoxin?
 15 A. No. Other than what I experienced
 16 myself personally.
 17 Q. Did you meet with anyone to
 18 prepare for today's deposition?
 19 A. My attorney here, Jim Pettit.
 20 Q. Was there anyone else present?
 21 A. No.
 22 Q. When did you meet to prepare for
 23 today's deposition?
 24 A. Thursday, last Thursday.
 25 Q. How long did you meet for?

10 (Pages 37 to 40)

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1 A. Approximately two hours.
 2 Q. Did you review any documents in
 3 preparation for today's deposition?
 4 A. My medical records.
 5 Q. Anything else?
 6 A. No. Other than that, it was...
 7 Q. What medical records did you
 8 review?
 9 A. My visits to my cardiologist in
 10 2008.
 11 Q. Did you review any other medical
 12 records, besides your cardiologist,
 13 cardiology visits, in 2008?
 14 A. No.
 15 Q. Did you take any notes during your
 16 deposition preparation session?
 17 A. No.
 18 Q. Did you review any of the legal
 19 documents that were filed in this case?
 20 A. No.
 21 Q. Have you ever reviewed the
 22 Complaint that was filed in this case?
 23 A. No, I haven't.
 24 Q. Have you ever reviewed what is
 25 called a Plaintiff Fact Sheet with a

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1 number of questions about your case and
 2 condition?
 3 A. The only thing I looked -- I was
 4 just -- my attorney read some questions
 5 that may be asked to me and what my
 6 proper response would be.
 7 Q. This was during your preparation
 8 session?
 9 A. Yes.
 10 (Exhibit Chambers-I was
 11 marked for identification.)
 12 BY MR. SIMON:
 13 Q. Handing you what's been marked as
 14 Chambers Exhibit 1.
 15 A. Yes.
 16 Q. Have you seen that document
 17 before?
 18 Take some time and look
 19 through it.
 20 A. (Witness reviews document.) I
 21 haven't reviewed this document.
 22 Q. Did you provide any of the
 23 information to respond to the questions?
 24 A. I believe this is what we
 25 discussed.

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1 MR. PETTIT: I think the
 2 attorney is not still talking about our
 3 prep session. I think he's talking
 4 about in general.
 5 Am I correct?
 6 MR. SIMON: Correct. I'm
 7 asking --
 8 MR. PETTIT: He keeps talking
 9 about our prep session.
 10 BY MR. SIMON:
 11 Q. I'm asking if you have ever seen
 12 this document before marked as Chambers
 13 Exhibit 1.
 14 THE WITNESS: This isn't the
 15 one that I received from you?
 16 MR. PETTIT: Yeah.
 17 THE WITNESS: It is?
 18 Oh, I didn't look at it. No.
 19 I haven't looked at it, no. I haven't
 20 reviewed it.
 21 BY MR. SIMON:
 22 Q. Did Mr. Pettit send you this
 23 document?
 24 A. If this is the one that I received
 25 last Thursday at the preparation --

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1 THE WITNESS: If this is the
 2 -- this is the document, right?
 3 MR. PETTIT: I'm going to let
 4 the attorney try to clear this up.
 5 I think you guys are passing
 6 in the night with these questions and
 7 answers, but I don't want to interfere
 8 with the questioning.
 9 BY MR. SIMON:
 10 Q. Take your time and look through
 11 that document and look at the questions
 12 and let me know if you've ever seen that
 13 document before.
 14 A. (Witness reviews document.) I
 15 guess I was handed this document. I
 16 didn't read it, though.
 17 I was not -- I was just
 18 basically going on what we discussed as
 19 to the proper way to answer your
 20 questions today. And some of these
 21 questions I answered.
 22 Q. Let's get away from your
 23 deposition preparation session. Let's
 24 put that out of our minds.
 25 Have you seen that document

11 (Pages 41 to 44)

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1 on any other occasion besides your
 2 deposition --
 3 A. No.
 4 Q. -- preparation session?
 5 A. No, I haven't.
 6 Q. Did you review that document as
 7 part of your deposition preparation
 8 session?
 9 A. Not myself personally. Not
 10 reading it myself.
 11 Q. Before I handed you that document,
 12 had you ever read it before?
 13 A. No.
 14 Q. So you're reading it today here
 15 for the first time.
 16 A. That's correct.
 17 Q. Did anyone from Mr. Pettit's
 18 office ever contact you to ask you
 19 information to respond to these
 20 questions?
 21 A. No.
 22 Q. Referring you to Page 18 of that
 23 document, it's the last page, there's a
 24 signature there.
 25 Is that your signature?

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1 A. That's correct.
 2 Q. Do you recall signing this page,
 3 18, of Exhibit No. 1?
 4 A. Yes.
 5 Q. And when did you do that?
 6 A. On the date provided there, yes.
 7 Q. Tell me about how it came about
 8 that you signed this Page 18 of Exhibit
 9 1.
 10 A. Can you explain exactly what you
 11 mean.
 12 Q. How did you sign it? Where were
 13 you?
 14 A. I was at the office here.
 15 Q. When you signed it, did you review
 16 the materials in front of Page 18?
 17 A. No, I didn't.
 18 Q. If I were to ask you today if you
 19 need to make any additions or
 20 corrections to this Plaintiff Fact
 21 Sheet, which is Exhibit 1, at this time
 22 you'd be unable to respond to that
 23 question, correct?
 24 A. That's correct. Yes.
 25 Q. And that's because you haven't

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1 seen any of the responses to these
 2 questions before I handed you the
 3 document.
 4 A. That's correct.
 5 Q. How tall are you, Mr. Chambers?
 6 A. I'm 5 foot, 9 and a half.
 7 69-and-a-half inches.
 8 Q. What is your current weight?
 9 A. I'm about 290.
 10 Q. What is the most you've weighed in
 11 the last three years?
 12 A. I was around 330 pounds -- or 230
 13 pounds -- 330. I'm sorry.
 14 Q. And when would you have been at
 15 your maximum weight of 330 pounds?
 16 A. That was in 2005, October.
 17 Q. What is the least you've weighed
 18 in the last three years?
 19 A. 206.
 20 Q. And when did you last weigh 206?
 21 A. That was in September of 2007.
 22 Q. What was your weight when you were
 23 prescribed Digitek in January of 2008?
 24 A. 2008, approximately, if I can
 25 recall, I would say, approximately 240

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1 pounds.
 2 Q. Tell me about your weight and its
 3 fluctuation in 2008.
 4 A. I retain fluids due to my weakened
 5 heart condition. And that's basically
 6 why I take the Lasix, to remove fluids,
 7 and it fluctuates because of that, and
 8 my salt intake and fat intake. So it
 9 directly relates to my diet and exercise
 10 level.
 11 Q. In 2008 what was your weight
 12 ranges -- what were your weight ranges?
 13 A. It would have been around 220 to
 14 250, in that realm.
 15 Q. Have any of your doctors ever told
 16 you that you have health problems
 17 related to your weight?
 18 A. Yes.
 19 Q. What doctors have told you that?
 20 A. My cardiologist and also my
 21 primary doctor.
 22 Q. What do they tell you about your
 23 weight?
 24 A. I should try to keep my weight
 25 down as much as possible.

12 (Pages 45 to 48)

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1 Q. And when did they suggest that you
2 keep your weight down?
3 A. Well, from -- since the time I've
4 seen them.
5 Q. So that's an ongoing --
6 A. Yes. That's correct.
7 Q. -- suggestion?
8 A. That's correct. Yes.
9 Q. Have you had any treatment for
10 weight problems?
11 A. No. Other than advice to be on a
12 good diet and exercise as much as
13 possible, low salt, low fat, low sugar.
14 Q. Have you ever taken any
15 medications to lose weight?
16 A. No, I haven't.
17 Q. Have you ever been placed on a
18 diet by any of your doctors?
19 A. Not officially placed on a diet.
20 I've been advised to be on a diet, you
21 know, to watch what I eat and...
22 Q. Have you followed your physician's
23 instructions regarding watching your
24 diet and weight?
25 A. I've tried to, yes. I've

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1 attempted to, yes, as much as I can.
2 Q. What type of diet do you follow?
3 A. I try not to eat out that much,
4 because there's -- you can't govern on
5 what you're taking in when you're out,
6 you don't know how much salt, fat
7 content is in food.
8 So I try to stick to food
9 that I purchase at the stores so I can
10 read the labels and see what the levels
11 are.
12 I try to keep a low sodium.
13 I try to keep away from caffeine
14 products, high fat, high sugar products.
15 Q. Do you limit your calories at all?
16 A. I attempt to, yes. I try to.
17 Q. Is there a targeted per-day
18 calorie intake that you have?
19 A. Essentially, under 2,500 a day,
20 2,500 calories.
21 Q. Do you usually eat 2,500 calories
22 or less per day?
23 A. I try to, yes.
24 Q. Have you ever smoked?
25 A. No, I haven't.

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1 Q. You indicated you attempt to limit
2 your caffeine intake.
3 A. Yes.
4 Q. Do you drink or do you consume any
5 caffeine?
6 A. I have sodas. Some have caffeine,
7 some don't. I try to avoid the ones
8 that have the caffeine.
9 Q. What types of sodas do you drink
10 that have caffeine?
11 A. Coca-Cola.
12 Q. How often do you drink caffeinated
13 beverages?
14 A. I might have one a day or one
15 every two days. I try to limit it.
16 Q. Do you drink any coffee or tea?
17 A. No. If I do drink tea, I drink
18 decaffeinated.
19 Q. Was your caffeine intake similar
20 in 2008 than it is now?
21 A. Since I put on weight, I'm
22 ingesting more caffeine now than what I
23 should be. In 2008 I was much more
24 strict than I have been.
25 Q. In 2009 how much weight have you

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1 put on?
2 A. Hard to estimate. I guess, I
3 would say, roughly 50 pounds.
4 Q. Do you drink any alcoholic
5 beverages?
6 A. No.
7 Q. Do you exercise?
8 A. I tried to exercise as much as my
9 condition will allow me to, in that I do
10 a lot of walking, which is relating to
11 my work. I do a lot of walking, anyway,
12 but I try to walk as much as possible.
13 Q. Other than your activity at work,
14 do you exercise? Do you perform
15 exercise outside of work?
16 A. No.
17 Q. So all of the exercise you get is
18 through your work.
19 A. Yes. The only other exercise I
20 get is when I'm walking normally outside
21 of work, and whatever, shopping or
22 whatever.
23 Q. When you say you're walking
24 outside of work, it's to get places,
25 it's not specifically for exercise

13 (Pages 49 to 52)

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1 purposes.
 2 A. That's correct.
 3 Q. Has your exercise regimen been
 4 similar over the past five years?
 5 A. Yes. Yes.
 6 Q. Have you ever been involved in a
 7 supervised exercise program?
 8 A. I had cardiac rehabilitation.
 9 Q. When did you have cardiac rehab?
 10 A. If I remember correctly, it was
 11 either 2006 or 2007. It was after I was
 12 in the hospital. One period they had me
 13 do cardiac rehab for approximately 12
 14 weeks.
 15 Q. Why did they prescribe cardiac
 16 rehab for you?
 17 A. To help improve my situation.
 18 This was before I had my defibrillator,
 19 so it had to be 2006. My defibrillator
 20 was implanted in 2007, May.
 21 Q. And what sorts of things did they
 22 have you doing as a result of the
 23 cardiac rehab?
 24 A. Rowing machine, treadmill,
 25 bicycle, that type of thing.

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1 Q. How long of a period of time did
 2 the cardiac rehab last?
 3 A. It was over a 12 -- it was a
 4 12-week program, but it was over the --
 5 they couldn't get me in right away, so
 6 it went over the span of the summer.
 7 They couldn't -- I don't
 8 remember the -- I don't recall the
 9 reasoning for it, but they -- it wasn't
 10 12 weeks in a direct consecutive. It
 11 was over a period of a summer. But it
 12 was a 12-week program; I was in it for
 13 12.
 14 Q. Did you keep up with the program
 15 after it formally ended in any respect?
 16 A. Other than my work and my diet,
 17 and whatever exercise I get, as we just
 18 talked about, I didn't really -- I
 19 didn't -- I don't have access to a
 20 treadmill or a bicycle, or whatever, so
 21 I wasn't able to do that -- that part of
 22 it. But...
 23 Q. Was there ever a time when you
 24 were participating in the cardiac rehab
 25 that you'd have to stop because you were

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1 having difficulty breathing or
 2 palpitations?
 3 A. Initially -- I didn't have to
 4 stop. Initially, I would get some
 5 palpitations due to my situation. It's
 6 a normal thing to have that, the atrial
 7 palpitations, but it didn't interfere
 8 with my exercising.
 9 Q. Did they want you to continue
 10 exercise after the program ended?
 11 A. Yes. They recommended it, yes.
 12 Q. Since that program, have your
 13 physicians suggested to you that you
 14 continue to exercise?
 15 A. Within my limitations, yes, as
 16 part of a cardiology program.
 17 Q. Have you done that?
 18 A. I've done it in relation to my
 19 work and my walking. I do a lot of
 20 walking.
 21 Q. Now I want to focus on your health
 22 history a little bit. The first thing
 23 I'm going to ask you about is
 24 hospitalizations.
 25 A. Yes.

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1 Q. So let's just focus on
 2 hospitalizations.
 3 Have you ever been
 4 hospitalized for any reason?
 5 A. Yes.
 6 Q. Let's go back five years.
 7 A. Okay.
 8 Q. For what conditions have you been
 9 hospitalized?
 10 A. My first hospitalization was in
 11 October of 2005. I was having
 12 discomfort in my abdomen and I went into
 13 the emergency room and they told me that
 14 I have a heart condition. That was when
 15 I first went.
 16 They told me that I had a
 17 heart condition and that's when I was in
 18 the hospital. I went in for having
 19 abdominal discomfort and they kept me
 20 for almost a week.
 21 Q. What did they tell you about your
 22 heart condition?
 23 A. They told me I have atrial
 24 fibrillation. They set me up with a
 25 doctor that was at the hospital, a

14 (Pages 53 to 56)

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1 cardiologist, and they put me on blood
2 thinner.

3 I had had what they call --
4 I later found out to be called TIAs,
5 they're mini-strokes, where your vision
6 is blurry.

7 Q. When did you start experiencing
8 TIAs?

9 A. It was right before the
10 hospitalization. It was October 10th,
11 11th, of 2005.

12 Q. Were your TIAs evaluated during
13 your October of 2005 admission?

14 A. No. Not at that point, no.

15 Q. What did you come to learn about
16 your TIAs?

17 A. I learned that I had strokes to
18 the occipital part of my brain, which is
19 the vision center, and they would last
20 approximately about five minutes or so.
21 Your vision becomes blurred and then it
22 gradually clears up.

23 Q. When were you experiencing these
24 TIAs?

25 A. It was in October 2005, was the

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1 first one I had.

2 Q. Did you experience any others
3 after October of 2005?

4 A. Yes.

5 Q. When did you experience other
6 TIAs?

7 A. If I recall correctly, it was
8 February of 2006. I was hospitalized at
9 that point for that. I went in because
10 I was experiencing them again.

11 Q. We were earlier talking about the
12 October of 2005 hospitalization for
13 abdominal problems which were attributed
14 to a heart condition, correct?

15 A. They weren't attributed to it. I
16 later discovered -- if you want me to
17 jump ahead.

18 I later discovered it was
19 probably my gallbladder acting up. But
20 that was the initial reason why I went
21 in. And then they informed me about the
22 atrial fibrillation when I was in there.

23 Q. Okay.

24 A. I didn't go in for that. I wasn't
25 aware of the atrial fibrillation until I

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1 was admitted. I thought they were going
2 to release me and they kept me.

3 Q. I understand. Thanks for that
4 clarification.

5 When were you next
6 hospitalized after October of 2005?

7 A. I believe it was January 2006 I
8 had some pain in my heart, or I thought
9 it was my heart.

10 Do you want the details of
11 it?

12 Q. Yes. Please.

13 A. So I went to the emergency room
14 and my cardiologist at the time,
15 Dr. Siegal, he was the one that I had
16 from Kennedy Hospital, which is where I
17 was in October of 2005, he informed me
18 that he thought it was acid reflux,
19 rather than -- this is based on -- he
20 knew the information about the atrial
21 fibrillation, but he still felt it was
22 from acid reflux.

23 They're very similar
24 symptoms.

25 When I told him that my

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1 brother -- well, actually, he found out
2 in the emergency room, he found out my
3 brother was in there with heart
4 problems, too, at the same time. He
5 came back and changed his story and he
6 admitted me.

7 He was going to release me.
8 So he admitted me, and then I had the
9 catheterization done, I guess -- do you
10 have the reports for that?

11 Q. What hospital was the January of
12 '06 admission to?

13 A. Our Lady of Lourdes. Everything
14 after -- the first October visit was
15 Kennedy, everything since then was Our
16 Lady of Lourdes Medical Center, Camden.

17 Q. What were the results of your
18 cardiac catheterization?

19 A. They found out that my arteries
20 were all clear. Initially, they thought
21 I had severe coronary disease because my
22 brother does have coronary disease. He
23 smoked for five years. I've never
24 smoked.

25 He was amazed, because he had

15 (Pages 57 to 60)

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1 just done an operation, he did some
2 stents on my brother a week before. And
3 then he did mine.

4 And he was amazed that we
5 were brothers, that we were even
6 related, because my situation was
7 completely different. My arteries were
8 all clear. So that's basically what I
9 learned out of that.

10 Q. Does your brother have heart
11 rhythm abnormalities besides --

12 A. Slightly.

13 Q. -- the coronary artery disease?

14 A. Slightly. Not to the extent that
15 I do.

16 Q. We're up to January of 2006.

17 When were you next admitted?
18 I believe you mentioned something about
19 February of 2006.

20 A. I don't recall exactly when the
21 next one was. I don't have the actual
22 records, but I know I was admitted again
23 because I was having the TIAs again.

24 I know there was one point
25 where I was in in the summertime, so it

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1 was probably the summer of 2006.

2 Q. How long were you admitted in the
3 summer of 2006 in connection with your
4 TIAs?

5 A. I was in approximately five days.

6 Q. What sort of treatment did you
7 receive during that admission?

8 A. Well, I was on the Coumadin,
9 Warfarin, since October 2005. They just
10 continued on -- I believe they put me on
11 the one that they -- the name of the one
12 -- I can't recall the name -- the
13 Heparin while you're in the hospital.

14 They decrease your Coumadin,
15 increase the Heparin, and then when
16 they're ready to release you, they
17 decrease the Heparin, increase the
18 Coumadin again.

19 So when they release you,
20 you're back on the Warfarin, which is
21 the generic Coumadin.

22 Q. Do you continue to experience
23 TIAs?

24 A. No. I haven't had any since 2006.

25 Q. What did they attribute your TIAs

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1 to?

2 A. I was never given an explanation.
3 Other than, my understanding of them is
4 they're like mini-strokes due to lack of
5 maybe blood flow or whatever.

6 Q. What problems or symptoms did you
7 experience as a result of your TIAs?

8 A. Blurred vision in both eyes. The
9 last one I had lasted about ten minutes.
10 That was -- that would have been in
11 2006.

12 Q. Was the blurred vision temporary?

13 A. Yes. Approximately five to ten
14 minutes.

15 Q. We're up to the summer of 2006.

16 Any other hospitalizations
17 since then?

18 A. I can't recall. Other than 2007,
19 I had the implant performed in May of
20 2007, I believe it was May 9. And then
21 about in September of 2007, I was
22 hospitalized and had my gallbladder
23 removed.

24 Q. Tell me how it was you came to
25 have a defibrillator implanted.

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1 A. It was recommended to me from my
2 -- I have echocardiograms on a routine
3 basis, about once or twice a year, which
4 tells the heart pumping ability.

5 And I was recommended by my
6 cardiologist to have it implanted to
7 help my heart pump. That was the
8 reason.

9 Q. Who recommended that you have the
10 defibrillator implanted?

11 A. Dr. Akula. He is the
12 electrophysiologist at ACC.

13 Q. Did Dr. Akula do the surgery to
14 implant?

15 A. Yes, he did.

16 Q. What is your understanding as to
17 what the implant does?

18 A. My understanding is that I have
19 apparently two leads that work the
20 ventricles in synchrony, synchronous
21 pumping. It helps -- my left ventricle
22 is damaged severely, so that's the main
23 pump.

24 But my right ventricle is
25 also helping it pump. And it's being

16 (Pages 61 to 64)

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1 operated by the device. They call it
 2 "the device."
 3 I have to go in -- I was
 4 supposed to go in a week-and-a-half ago
 5 to have my battery replaced. It's
 6 supposed to last four or five years,
 7 but, in my case, it was doing a lot, so
 8 it's run down.
 9 So I'm going in on October
 10 5th to have it replaced. It's an
 11 outpatient thing.
 12 Q. Have you had any problems with
 13 your defibrillator since it's been
 14 implanted?
 15 A. I get little jolts. And what it
 16 does is, it -- I'm getting a couple
 17 right now. What it does is, when I have
 18 an irregular heartbeat, because of the
 19 atrial fibrillation, or whatever, it
 20 jolts it to keep it regular, the
 21 heartbeat.
 22 It makes it not only pump
 23 better, but it keeps it more of a
 24 regular beat. And if it drops down into
 25 ventricle fibrillation, which can cause

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1 death in five minutes, I will get a
 2 shock.
 3 I've never gotten the major
 4 shock, but I get the jolts. So it's
 5 correcting -- correcting the situation.
 6 This is my understanding of what's going
 7 on.
 8 Q. Has the device you have implanted
 9 been the subject of a recall?
 10 A. I believe it was. I was told one
 11 of the leads had a higher failure rate
 12 than is generally normal. But, in my
 13 case, they didn't say it was any
 14 problem.
 15 But, apparently, they've had
 16 a problem with it in other patients; the
 17 lead itself failing, or whatever, for
 18 whatever reason.
 19 Q. How did you find out about the
 20 problem with --
 21 A. From my doctor. A visit at my
 22 doctor, they informed me of that.
 23 Q. Did he suggest anything be done?
 24 A. Well, he checks me out on the
 25 computer. I have a Rolls-Royce-type

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1 defibrillator, for lack of a better
 2 description. It's a wireless thing.
 3 He puts a probe on me, he
 4 sits at his computer, he can speed it
 5 up, he can slow it down. Basically,
 6 that's what he tells me. He informs me
 7 of any problems in that regard.
 8 I was informed by them, as
 9 soon as they found out about the recall,
 10 there was a possible recall or problem
 11 with it, they informed me right away.
 12 And I was checked for it.
 13 And, apparently, I don't have that
 14 situation in my particular case.
 15 Q. When you say they informed you,
 16 who is "they"?
 17 A. The doctor, Dr. Akula and his
 18 staff.
 19 Q. Have we covered all of your
 20 hospitalizations?
 21 I know you briefly mentioned
 22 the gallbladder.
 23 A. That was the last time I was in,
 24 that was in September of 2007, and that
 25 was gallbladder removal. I was in

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1 intensive care for two days.
 2 Q. Why were you in intensive care for
 3 two days?
 4 A. I was so sick when I went in. I
 5 went in on my own volition. I had my
 6 wife take me into the emergency. And
 7 the emergency physician, she said that
 8 it has to come out.
 9 I said, well, I'm kind of
 10 aware of that.
 11 And then 12 days later, I was
 12 released. So that's a long time for a
 13 gallbladder.
 14 Q. That is. So I'm wondering what
 15 happened.
 16 A. I was in bad shape. It was --
 17 from what I understand, it was very
 18 infected.
 19 Q. It was surgically removed, I
 20 assume?
 21 A. Yes. Laparoscopic.
 22 Q. Who was your surgeon?
 23 A. Dr. -- what's his name? I can't
 24 recall his name now.
 25 Q. That's okay.

17 (Pages 65 to 68)

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1 Was that also done at Our
2 Lady of Lourdes?
3 A. Yes. I'm sorry I can't recall his
4 name. I should be able to.
5 Q. You were admitted, you said, for
6 12 days?
7 A. Yes. I was released 12 days
8 later, yes. They had to --
9 Q. Describe your recovery. Go ahead.
10 A. They had to get my blood plasma
11 correct when I was initially admitted.
12 And it takes, from what I understand,
13 three to four days or so to have that,
14 before they could even operate on me.
15 The operation was done about
16 five days or so after I was admitted.
17 And then four or five days later, I was
18 released. Whenever the 12 days were up.
19 They felt I was okay to go home, so...
20 Q. How did you recover from that
21 surgery?
22 A. I thought I was going to bounce
23 back right away; wasn't the case. The
24 only good thing about the gallbladder
25 surgery was I didn't have a good

Page 70

1 appetite when I was on it and having
2 problems, and I didn't eat, so I lost a
3 lot of weight.
4 Now that I've recovered from
5 that, my appetite has come back, so on
6 and so on.
7 Q. Other than the times you were
8 admitted to the hospital, have you been
9 to the emergency room for any reason?
10 A. I can't recall, other than --
11 other than the emergency visits that
12 I've had within the last four years.
13 I had a situation, back in
14 1992 I believe, it was where I had a
15 perirectal fistula -- I had a perirectal
16 abscess, which is very painful, and I
17 was admitted. I had that procedure done
18 at Lourdes, too. But that was 1992.
19 Q. On the times you've been to the
20 emergency room -- well, let me ask it a
21 different way.
22 If you go to the emergency
23 room, what emergency rooms do you go to?
24 A. Lady of Lourdes. Except the one,
25 the initial time with Kennedy.

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1 Q. Why was it that you went to
2 Kennedy on that first admission where
3 your heart condition was diagnosed?
4 A. I felt that it was nearby. It was
5 convenient. I was in discomfort, so I
6 just went -- the nearest hospital to me
7 is essentially Kennedy Hospital. That
8 was my reason for going there.
9 MR. PETTIT: Counsel, I want
10 to take a five-minute break when it's
11 convenient for you.
12 MR. SIMON: Sure. Let me
13 just finish up the hospital.
14 BY MR. SIMON:
15 Q. How far is Our Lady of Lourdes
16 from where you live?
17 A. It's about, approximately, five
18 miles.
19 Q. And how far is Kennedy?
20 A. My estimation would be about three
21 miles, a little closer.
22 MR. SIMON: We can take a
23 break now.
24 (Brief recess.)
25 BY MR. SIMON:

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1 Q. Mr. Chambers, now I think we've
2 talked about your hospitalizations and
3 emergency room visits. Now I want to
4 focus on your health and conditions
5 you've been diagnosed with.
6 A. Yes.
7 Q. Have you ever been diagnosed with
8 heart failure?
9 A. Yes.
10 Q. What do you know about your heart
11 failure?
12 A. I have a very weak left ventricle
13 and my ejection fraction, which was
14 explained to me as the pumping ability,
15 is weak. Essentially, it's about
16 one-third on its own than what it should
17 be.
18 The atrial fibrillation is
19 caused by an electrical problem, which
20 causes the heart to -- the atrium to
21 flutter rather than to pump correctly to
22 the ventricle. And the result of that
23 is poor blood flow.
24 Q. Have you ever been diagnosed with
25 hardening of the arteries?

18 (Pages 69 to 72)

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1 A. I was diagnosed with
2 atherosclerosis, whatever that pertains
3 to. I believe that might be the same.
4 Q. What is your understanding of
5 atherosclerosis?
6 A. My understanding is that I guess
7 it's a plaque buildup of the arteries
8 over a period of time.
9 Q. Now, I know that you've discussed
10 the fact that you had a defibrillator
11 implanted, correct?
12 A. That's correct. Yes.
13 Q. Is that also serving the purpose
14 of a pacemaker for your heart?
15 MR. PETTIT: Object to the
16 form.
17 THE WITNESS: My
18 understanding is that if my heart goes
19 in an erratic position, it will -- it
20 will stimulate it electrically to
21 correct the situation.
22 I believe in my case, I'm not
23 sure about this, I believe in my case
24 that it's operating both my ventricles
25 constantly, you know, in a sustained --

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1 my doctor knows. I just -- my doctor
2 doesn't tell me a whole lot.
3 BY MR. SIMON:
4 Q. Have you ever been diagnosed with
5 thyroid disease?
6 A. No.
7 Q. What about cardiomyopathy or an
8 enlarged heart; have you been diagnosed
9 with that?
10 A. Yes. Yes. That's correct.
11 Q. What do you know about your
12 enlarged heart or cardiomyopathy?
13 A. I was told I have a severely
14 enlarged atrium.
15 Q. And what symptoms or problems
16 occur as a result of your enlarged
17 heart?
18 A. I don't know offhand what problems
19 it creates, other than the -- possibly
20 the arrhythmia, the electrical impulses
21 being, you know, erratic more than --
22 you know, they should not be that case,
23 but...
24 Q. Have you ever had a myocardial
25 infarction or a heart attack?

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1 A. I don't recall being told that.
2 Essentially, there is damage to my
3 heart, whatever that entails.
4 Q. You indicated earlier that you had
5 your gallbladder removed.
6 A. That's correct.
7 Q. Have you had any other
8 gastrointestinal problems?
9 A. No.
10 Q. At one point you mentioned acid
11 reflux.
12 Do you continue to have acid
13 reflux?
14 A. From time to time.
15 Q. Do you receive any treatment or
16 take any medication for acid reflux?
17 A. No.
18 Q. Have you ever had any kidney
19 disease?
20 A. No.
21 Q. We talked about your TIAs and
22 mini-strokes.
23 A. Yes.
24 Q. What about a clotting disorder;
25 have you ever been diagnosed with any

Page 76

1 sort of clotting disorder?
2 A. I believe, my understanding is,
3 when I had the TIAs, I imagine that was
4 from a clotting disorder. I'm on
5 Coumadin to correct that.
6 Q. Have you ever been diagnosed with
7 depression?
8 A. No.
9 Q. Have you ever received any
10 medications for depression?
11 A. There was a time when I was taking
12 Coreg and I experienced depression as a
13 side effect.
14 Q. When were you on Coreg?
15 A. I was on Coreg from -- I'll try to
16 get the dates right here -- when I first
17 saw Dr. Burke, which would have been
18 2006. That's a heart medication.
19 Q. You anticipated my question.
20 For what condition were you
21 receiving Coreg?
22 A. Heart. Heart condition.
23 Q. Did there come a point in time
24 where you discontinued Coreg?
25 A. Yes. I informed my doctor about

19 (Pages 73 to 76)

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1 it and he put me on Metoprolol. He
 2 changed the medication. This is about a
 3 year and a half later.
 4 Q. Now I want to talk about the
 5 physicians or doctors you see.
 6 A. Yes.
 7 Q. Who is Dr. McDermet?
 8 A. He is my primary care physician.
 9 Q. For what types of conditions do
 10 you see Dr. McDermet?
 11 A. Whatever else I might have going
 12 on other than the cardiology situation.
 13 Q. How frequently do you see
 14 Dr. McDermet?
 15 A. Approximately once every three or
 16 four months, depending on -- it all
 17 depends on whether I have an illness or
 18 whatever.
 19 Q. Did you report any particular
 20 problems you were having to Dr. McDermet
 21 regarding your Digitek use?
 22 A. Regarding the digoxin, I did, yes.
 23 I was on digoxin when I saw him.
 24 Q. But earlier when you were on
 25 Digitek, did you report any problems you

Page 78

1 were having from using Digitek?
 2 A. I don't recall. I don't recall.
 3 Q. We talked earlier about the
 4 conversation you had with Dr. McDermet
 5 after your Digitek was changed to an
 6 alternative form of digoxin, correct?
 7 A. That's correct. Yes.
 8 Q. And that's the conversation or
 9 discussion you were referencing just
 10 now?
 11 A. Yes. Yes.
 12 Q. Did you talk to Dr. Burke
 13 regarding particular problems you were
 14 having with respect to your use of
 15 Digitek?
 16 A. Yes. I talked to him once. And
 17 he -- that's when he told me about he
 18 felt it was the device causing the
 19 situation and not the medication.
 20 Q. And that was when we earlier
 21 talked about a March of 2008 visit with
 22 Dr. Burke?
 23 A. I believe that -- I believe that
 24 to be true, yes.
 25 Q. Did you ever discuss problems you

Page 79

1 were having regarding your use of
 2 Digitek with Dr. Akula?
 3 A. No. I don't believe so, no.
 4 Q. Now, I just mentioned Dr. Burke
 5 and Dr. Akula.
 6 It's my understanding they
 7 are cardiologists; is that correct?
 8 A. That's correct. Yes.
 9 Q. Do you see any other
 10 cardiologists?
 11 A. No. They're my two -- my two
 12 cardiologists. They're both with the
 13 ACC Group.
 14 Q. What about in the past; have you
 15 seen other cardiologists?
 16 A. After I was informed in 2005,
 17 Dr. Siegal, I saw him once or twice.
 18 He's the cardiologist, South Jersey
 19 Heart Group, that works at Kennedy
 20 Hospital.
 21 Q. Who was the last cardiologist you
 22 saw?
 23 A. I just saw Dr. Burke last week.
 24 Q. And was that part of your routine
 25 three-month follow-up?

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1 A. Yes. That's correct.
 2 Q. Were there any problems that were
 3 reported to Dr. Burke at the last visit?
 4 A. Dr. Akula, who is one of his
 5 associates, he's the one that does the
 6 implants, he's made him aware that I
 7 have to go in and have my battery
 8 replaced. They call it a generator.
 9 I was scheduled for 9/11 and
 10 I had bronchial problems, so I couldn't
 11 have it done. So they rescheduled it
 12 for October 6.
 13 Q. There were a couple other names
 14 that appeared in either medical records
 15 or the fact sheet responses.
 16 A Dr. Bauer?
 17 A. Dr. Bauer is the doctor that --
 18 he's with the ACC Group also. He
 19 performed the catheterization on me.
 20 Q. Is the ACC Group your cardiology
 21 group?
 22 A. Yes. That's correct.
 23 Q. Who is a Dr. Santos?
 24 A. Dr. Santos is the name I was
 25 trying to think. He was the one that

20 (Pages 77 to 80)

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1 did the gallbladder operation.
 2 Q. Who is Dr. Ahmad?
 3 A. Dr. Ahmad was my previous primary
 4 care physician before Dr. McDermet.
 5 Q. Have you ever received any
 6 counseling or consulted a psychiatrist
 7 or psychologist?
 8 A. There was one period in, I guess
 9 when I was in the hospital, in the
 10 summertime, I guess 2006, that Dr. Ahmad
 11 kept telling me my -- it was all in my
 12 head about these problems I was having
 13 with my gallbladder, which it wasn't.
 14 So they mentioned -- this is
 15 while I was in the hospital. Not to
 16 draw it out, but they mentioned that
 17 would I like to see a psychiatrist.
 18 And I thought at the time
 19 maybe it was in my head, so I, you know,
 20 consented to it. And that's the one I
 21 saw in the hospital, and that was it.
 22 Q. Were any medications prescribed by
 23 the psychiatrist or psychologist -- is
 24 it a psychiatrist?
 25 A. I believe it was a psychiatrist,

Page 82

1 yes.
 2 Q. Did he prescribe any medications
 3 for you?
 4 A. I don't recall whether -- it's
 5 been awhile now. There was a period
 6 where I had some Lorazepam, I believe it
 7 is, to calm me down or whatever.
 8 They thought -- my heart
 9 condition causes me to be revved up.
 10 They call it fight-or-flight syndrome.
 11 It's like being in adrenaline all the
 12 time. It's caused by the heart
 13 situation. That's my understanding of
 14 it.
 15 Q. Are you aware that Digitek or
 16 digoxin is a cardiac glycoside?
 17 A. No.
 18 Q. Prior to taking Digitek or
 19 digoxin, do you know if you took any
 20 other cardiac glycosides?
 21 A. I'm not aware.
 22 MR. PETTIT: Object to form.
 23 THE WITNESS: I'm not aware
 24 of it, no.
 25 BY MR. SIMON:

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1 Q. Who prescribed the Digitek for
 2 you?
 3 A. It was a nurse practitioner at
 4 Dr. -- at the heart clinic.
 5 Q. Do you know her name?
 6 A. I don't recall her name. I saw
 7 her once, and that was it.
 8 Q. How was it that you came to see a
 9 nurse practitioner in the heart clinic?
 10 A. Well, on one of my routine visits
 11 to the heart clinic, she suggested that
 12 I take, you know, digoxin, or whatever,
 13 in that form. You know, she just
 14 mentioned that she felt it would improve
 15 my heart pumping ability, I guess, or...
 16 Q. Is the heart clinic part of your
 17 cardiology group?
 18 A. Yes. Yes.
 19 Q. Do you know when you were first
 20 prescribed Digitek or digoxin?
 21 A. The Digitek would have been
 22 January of 2008.
 23 Q. Was this the first time you had
 24 seen this nurse practitioner --
 25 A. Yes.

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1 Q. -- who prescribed Digitek?
 2 A. Yes.
 3 Q. Do you know how it was that you
 4 came to see a nurse practitioner as
 5 opposed to one of your doctors?
 6 A. They -- they work it in
 7 conjunction with the doctors. Since the
 8 doctors, they're all in the same group,
 9 but they have the Heart Failure Clinic
 10 as part of the group there, at the same
 11 -- it's the same location.
 12 And they just -- on one of my
 13 routine visits, I guess, they felt that,
 14 you know, it was beneficial for me to
 15 take that medication.
 16 Q. Did she discuss any of the side
 17 effects of Digitek or digoxin with you?
 18 A. No.
 19 Q. Did she discuss any of the
 20 benefits of Digitek or digoxin with you?
 21 A. All I can recall is that she said
 22 it would be beneficial for me.
 23 Q. Did you have any questions for her
 24 regarding taking Digitek or digoxin
 25 since it was a new prescription?

21 (Pages 81 to 84)

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1 A. No. I was just basing it on her
2 expertise as to what -- you know, what I
3 may need.
4 Q. Did you also see the physician at
5 that visit?
6 A. No.
7 Q. Before you started using Digitek,
8 did you know anyone else who was taking
9 it?
10 A. No.
11 Q. After you started taking Digitek,
12 did you talk with anyone else who was
13 also taking it?
14 A. No.
15 Q. Have you at any point in time
16 talked with anyone who took --
17 A. No, I haven't.
18 Q. -- Digitek?
19 Did the nurse practitioner
20 talk with you about any of the risks of
21 taking Digitek?
22 A. No.
23 Q. When you first filled the
24 prescription, I believe you indicated
25 that you did get written information

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1 from the pharmacy, correct?
2 A. Yes. They always give me written
3 information, yes.
4 Q. Did you receive any information
5 regarding the risks and benefits of
6 Digitek from any other source?
7 A. No.
8 Q. Did any of your healthcare
9 providers tell you that if you
10 experienced certain symptoms, you should
11 tell them about them?
12 A. I'd have to say no. But it's an
13 understanding, obviously, if I have
14 something that comes up, I notify them
15 right away.
16 Q. Other than the nurse practitioner,
17 did any other healthcare professionals
18 prescribe Digitek for you?
19 A. No.
20 Q. Who prescribed the digoxin for
21 you?
22 A. It would have to be Dr. Burke.
23 He's my cardiologist, so he would --
24 that would have been the substitute. So
25 it would have been his prescription.

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1 Q. After you were initially
2 prescribed Digitek, were you told to
3 return for additional visits other than
4 what you normally had?
5 A. Just the routine visits. That's
6 all I've done all along.
7 Q. And those have been approximately
8 every three months.
9 A. Right. Unless there's a problem
10 and then...
11 Q. After you were initially
12 prescribed the Digitek, did you come
13 back for a follow-up visit due to any
14 problems you were having?
15 A. No. Because it was just -- that's
16 my routine visits.
17 Q. Do you know if any of your
18 healthcare providers performed blood
19 tests to measure the blood levels of
20 your medications?
21 A. The only one I get is the
22 Warfarin, the blood thinner. I get that
23 on a routine basis to make sure the
24 blood thinner is at the correct level.
25 Q. Now, we've had a chance to look at

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1 some of your cardiology records and I
2 just want to see if this is what you
3 recall.
4 They seem to indicate that
5 you were first prescribed digoxin or
6 Digitek on January 23rd of 2008.
7 Does that sound about right?
8 A. That sounds about right, yes.
9 Q. Now, the pharmacy records indicate
10 that the prescription was written by
11 Dr. Akula.
12 A. Okay. Yes.
13 Q. Do you have any information about
14 his involvement in the prescription?
15 A. He's my electrophysiologist, which
16 is the cardiologist. He's an M.D. that
17 does the defibrillator, so that would
18 make sense that he would prescribe it.
19 Either he or Dr. Burke.
20 Q. Now, there appears to be another
21 office visit on February 26th of 2008
22 with Dr. Burke.
23 A. Okay.
24 Q. Do you remember anything about
25 that visit?

22 (Pages 85 to 88)

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1 A. No. Other than it was probably
2 just a -- the only time I ever see him
3 is a routine scheduled visit.
4 Q. Now, Dr. Burke's note indicates
5 that you were doing better and the heart
6 rate was controlled.
7 Is that an accurate
8 assessment of how you were feeling at
9 that time?
10 A. Yes. I was feeling better because
11 of the -- I had had the defibrillator
12 done the year before, May of 2007, and
13 overall I was feeling better, yes. I
14 improved rather significantly.
15 Q. The next office visit occurred,
16 according to the records, on March 13th
17 of 2008.
18 A. Yes.
19 Q. And at that visit it was noted
20 that you self-discontinued digoxin.
21 Does that refresh your
22 recollection or remind you of anything?
23 A. As far as I can recall, I guess if
24 it records it.
25 I was concerned because I was

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1 getting some strong contractions, and
2 that's when I mentioned to Dr. Burke
3 about the -- I believe that was the
4 visit when he said he felt it was the
5 device causing the problem, rather
6 than...
7 Q. What did Dr. Burke instruct you to
8 do at that visit regarding your Digitek?
9 A. As far as I can recall, he said
10 resume, you know, continue using it.
11 That's why I did until I ran out.
12 Q. Did any of your healthcare
13 providers instruct you that if you were
14 having side effects from any
15 medications, to contact them rather than
16 discontinuing them first?
17 A. That is generally, yes, a
18 procedure.
19 Q. Is that advice that you follow or
20 not?
21 A. Generally I do, yes.
22 Q. The next office visit appears to
23 have occurred with your cardiology group
24 on April 24th of 2008?
25 A. Yes.

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1 Q. First of all, had you restarted
2 the Digitek as Dr. Burke asked you to do
3 in March?
4 A. I went to -- I ran out of the
5 Digitek and then I was taking the
6 Digitek through that period. And when
7 the recall came about, I ran out, I had
8 run out. So that's why I went in to get
9 it refilled and they informed me about
10 the recall.
11 So it was probably this --
12 within a week or so of that visit. That
13 would have been, I guess, before the
14 recall, I guess.
15 Q. Right.
16 But you would have started
17 taking the Digitek again, as Dr. Burke
18 instructed you to do --
19 A. Yes. That's correct.
20 Q. -- in March of 2008.
21 A. That's correct. Yes.
22 Q. Then you came back in April of
23 2008 to get a refill of the Digitek?
24 A. Either it would have been April or
25 early May, whenever the -- it was within

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1 a period -- within a week of running
2 out, I mean, I was running out. That's
3 why I went in to refill it and I was
4 informed of the recall.
5 Q. How were you feeling when you went
6 to your cardiologist on April 24th of
7 2008?
8 A. At that time I don't recall having
9 any problems, other than what I
10 discussed about the contractions at a
11 previous visit, I guess.
12 Q. The April 24th of 2008 note
13 reflects that there were no reported
14 side effects from medications.
15 Would that have been
16 accurate?
17 A. At that time, yes.
18 Q. And the note also indicates that
19 you had resumed your Digitek therapy.
20 Is that true also?
21 A. Yes. I would have been taking it
22 then because I hadn't run out yet. The
23 only time I went in to refill it was
24 when I ran out.
25 Q. And that was near the time of the

23 (Pages 89 to 92)

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1 recall.
 2 A. Yes. Well, it had to be after the
 3 recall because they informed me about
 4 the recall. So it had to have been
 5 within that week.
 6 Q. And it was the pharmacy who
 7 informed you about the recall, correct?
 8 A. That's correct. Yes.
 9 Q. So the April 24th visit with your
 10 cardiologist occurred before the recall,
 11 correct?
 12 A. Yes. It would have been before,
 13 yes.
 14 Q. Because the next visit that we
 15 have in your cardiology records is June
 16 17th of 2008 with Dr. Burke.
 17 A. Right. Correct.
 18 Q. What do you remember about that
 19 visit and Digitek discussions?
 20 A. I don't -- I believe at that time
 21 I was -- I don't recall whether I was on
 22 the digoxin when I had that visit in
 23 June. I guess I was.
 24 I don't recall the time
 25 period -- frame. But I did go back on

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1 digoxin; I was prescribed that.
 2 Q. The June 17th of 2008 visit note
 3 reflects it was at this time that you
 4 were given an alternate script for
 5 digoxin.
 6 A. Okay. That would have been
 7 accurate.
 8 Q. What were you doing between the
 9 time Digitek was recalled up until this
 10 June 17th of 2008 visit with respect to
 11 ingestion of Digitek or digoxin?
 12 MR. PETTIT: Excuse me. I'm
 13 just going to object because it really
 14 has been asked and answered about four
 15 times. And the Court Order says that
 16 you cannot continually ask the same
 17 question.
 18 BY MR. SIMON:
 19 Q. Go ahead.
 20 A. I had run out and I wasn't
 21 contacted by anybody about continuing
 22 with any alternative until I was
 23 prescribed the digoxin, which was a
 24 period of time of -- whatever the period
 25 of time is listed there.

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1 And then when I got the
 2 digoxin, I continued with the digoxin
 3 from that point on.
 4 Q. So once Dr. Burke prescribed
 5 digoxin for you in June of 2008, you
 6 continued to take that?
 7 A. Digoxin, yes.
 8 Q. Did there come a point in time
 9 where you stopped taking --
 10 A. Yes.
 11 Q. -- the digoxin?
 12 A. Because I experienced contractions
 13 again.
 14 Q. Did you tell any of your doctors
 15 that you had stopped taking digoxin?
 16 A. Dr. McDermet, I told him. I don't
 17 -- I waited, I guess, until my next
 18 routine visit with Dr. Burke because I
 19 had just seen him.
 20 And when I saw Dr. McDermet
 21 -- I stopped in August of 2008 and I saw
 22 Dr. McDermet, I believe, in September
 23 2008 and I informed him that I had
 24 stopped.
 25 Q. The cardiology records, as you

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1 indicate, seem to have a visit about
 2 three months later in September 18th of
 3 2008.
 4 What do you remember about
 5 your discussion --
 6 A. This is with Dr. Burke or --
 7 Q. -- with the cardiology group in
 8 September of 2008?
 9 A. Routine visit. Once again, I was
 10 back on the -- you know, at the time I
 11 had been taking the digoxin and I
 12 stopped in August.
 13 And I presume that Dr. Burke
 14 was aware of it because I told
 15 Dr. McDermet about it. And I believe I
 16 told Dr. Burke that I stopped because of
 17 the contraction problem.
 18 Q. What advice or instruction did
 19 Dr. Burke give you about digoxin at the
 20 September visit?
 21 A. I don't really believe anything
 22 was discussed. I don't recall
 23 discussing anything about it.
 24 Q. The note reflects that you were
 25 advised to restart digoxin.

24 (Pages 93 to 96)

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1 Did you do that?
 2 A. I didn't after August, no. Only
 3 because I experienced the contractions
 4 while I was taking it up to the August
 5 period when I dropped it, when I stopped
 6 it.
 7 Q. Do you recall Dr. Burke or any of
 8 your other cardiologists or healthcare
 9 providers telling you to restart the
 10 digoxin in September of 2008?
 11 A. I don't recall, no.
 12 Q. I know I asked you this, but I
 13 forgot your response.
 14 Did you, in fact, restart the
 15 digoxin after the visit of September
 16 18th, 2008?
 17 A. No.
 18 Q. Do you still see Dr. Akula from
 19 time to time?
 20 A. Yes.
 21 Q. Have you ever talked to anyone at
 22 the company Actavis?
 23 A. No, I haven't.
 24 Q. Have you ever talked with anyone
 25 at the company Mylan?

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1 A. No.
 2 Q. Do you have any of the packaging
 3 material or pill vials that your Digitek
 4 prescriptions came in?
 5 A. No.
 6 Q. What did you do with those?
 7 A. Tossed them out when I was
 8 finished.
 9 Q. Did you have any leftover Digitek
 10 tablets?
 11 A. No.
 12 Q. So all the Digitek tablets you had
 13 you took.
 14 A. Yes.
 15 Q. What about digoxin tablets; do you
 16 have any --
 17 A. Yes.
 18 Q. -- remaining digoxin tablets?
 19 A. Yes. My attorney has them.
 20 Q. What type of packaging did the
 21 digoxin tablets come in?
 22 A. Regular pharmacy, orange,
 23 childproof cap type. Standard pharmacy
 24 bottle.
 25 Q. And you gave that to your

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1 attorney?
 2 A. Yes.
 3 Q. Do you know how many tablets were
 4 contained in the vial that you gave to
 5 him?
 6 A. There were two vials. I don't
 7 recall the number of tablets.
 8 From the one prescription
 9 there were some left, and I
 10 inadvertently went back and got another
 11 refill, but I got a refill on my -- and
 12 then they included that second bottle in
 13 my refills, but I didn't take anything
 14 from it.
 15 I didn't...
 16 Q. Do you know what dates those
 17 prescriptions were from?
 18 A. In the records, my pharmacy
 19 records...
 20 MR. SIMON: Jim, can we take
 21 a look at those before the end of the
 22 deposition?
 23 MR. PETTIT: Sure.
 24 Do you want to take 30
 25 seconds now?

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1 MR. SIMON: Sure. Why don't
 2 we do that.
 3 (Brief recess.)
 4 BY MR. SIMON:
 5 Q. Mr. Chambers, when you were taking
 6 the Digitek tablets, was there a
 7 particular time of day you would take
 8 those?
 9 A. Well, I took -- it would be one
 10 per day, so it would either be in the
 11 morning or the evening. I don't recall
 12 exactly when I took them.
 13 I would most likely estimate
 14 it would have been in the mornings,
 15 because of activity during the day to
 16 get the greater benefit.
 17 Q. Do you know what dose you were
 18 prescribed of Digitek?
 19 A. No, I don't.
 20 Q. Do you remember what the Digitek
 21 tablets looked like?
 22 A. No, I don't.
 23 Q. Did you look at the pills before
 24 you took them?
 25 A. I believe I did, yes.

25 (Pages 97 to 100)

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<p>1 Q. Did you notice anything different 2 about the pills? 3 A. No. 4 Q. Did you ever take more than one 5 Digitek pill at a time? 6 A. No. 7 Q. Would you take your Digitek 8 medication with a meal? 9 A. Yes. 10 Q. What meal would you take your 11 Digitek with? 12 A. Depending on what time I took it, 13 in the day, which would be breakfast. 14 Q. What do you normally have for 15 breakfast? 16 A. I have cereal, maybe a glass of 17 orange juice, a piece of toast 18 sometimes. 19 Q. In 2008 were you taking any 20 non-prescription medications? 21 A. No. 22 Q. What about any herbal products or 23 natural remedies? 24 A. No. 25 Q. Have any of your physicians or</p>	<p>1 condition limits me to certain things. 2 Q. Are you aware that the defendants 3 recalled Digitek on April 25th of 2008? 4 A. Yes. My counsel made me aware of 5 the actual date when -- 6 MR. PETTIT: That's far 7 enough. 8 BY MR. SIMON: 9 Q. Did you review any sort of 10 document that indicated there was a 11 recall on April 25th of 2008? 12 A. No. 13 Q. Did you return any of your Digitek 14 to your doctor or pharmacist? 15 A. No. I didn't have any. 16 Q. I think I did ask you this, but I 17 just want to make sure that I have an 18 accurate answer. 19 Did you receive a recall 20 letter from Rite-Aid? 21 A. No. 22 Q. You did not? 23 A. I don't recall receiving anything, 24 other than the visit that I went to, you 25 know, refill it.</p>
Page 102	Page 104
<p>1 healthcare providers told you that you 2 experienced digoxin toxicity? 3 A. No. 4 Q. Did any of your physicians or 5 healthcare providers indicate to you 6 that you experienced a Digitek or 7 digoxin overdose? 8 A. No. 9 Q. Do you believe that you received a 10 double dose of Digitek? 11 A. I wouldn't be aware of it as a 12 layman. 13 Q. Are you claiming that you have or 14 may develop any mental, psychological or 15 emotional conditions as a result of your 16 use of Digitek? 17 A. No. 18 Q. Is it accurate to say that you 19 have not had to limit your daily 20 activities in any way because of your 21 use of Digitek? 22 A. Yes, it's accurate. 23 Q. Any limitations are due to your 24 underlying heart condition, correct? 25 A. That's correct. My heart</p>	<p>1 Q. They instructed you verbally that 2 there was a recall. 3 A. Yes. 4 Q. You understand that this lawsuit 5 is a class action lawsuit, correct? 6 A. Yes. 7 Q. What does that mean to you? 8 A. It's a representation of, in my 9 case, residents of New Jersey to be 10 compensated for financial outgo 11 pertaining to doctors' visits, 12 medication expenses, and any testing 13 involved with Digitek, with the recalled 14 Digitek. 15 Q. Do you understand that you could 16 have filed an individual claim relating 17 to your purchase of Digitek? 18 A. I'm not totally aware of that. 19 But I imagine there's other avenues I 20 could pursue, but I didn't. 21 Q. Do you understand that you have 22 special duties or responsibilities as a 23 class representative? 24 A. Yes. 25 Q. What do you understand those</p>

26 (Pages 101 to 104)

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<p>1 special duties and responsibilities to 2 be as a class representative? 3 A. Being here today at the deposition 4 representing the class, and whatever 5 other responsibilities may come along 6 regarding this. 7 Q. Who do you believe you represent? 8 A. People in New Jersey that took the 9 recalled Digitek over a period of time, 10 whatever the recall time period was, 11 concerning the medication 12 specifications, regarding doctors' 13 visits, any expenses they incurred as a 14 non-injury situation. 15 Q. Do you represent everyone who 16 bought Digitek in the United States? 17 A. My understanding is, I represent 18 the residents in my state, as a state 19 representative in the action, and only 20 that. 21 Q. Do you believe that you represent 22 persons who feel Digitek caused them 23 physical injury or harm? 24 A. No. 25 Q. Do you represent people who</p>	<p>1 fact that I'm not -- it's not a personal 2 injury case, I don't -- I'm kind of 3 having trouble correlating that with the 4 question you asked me. 5 Like my attorney said, it's 6 kind of a vague -- I don't know. 7 BY MR. SIMON: 8 Q. Do you need ongoing medical 9 monitoring or testing as a result of 10 your use of Digitek? 11 A. Not that I'm aware of, no. 12 Q. Are you representing a class of 13 people who need ongoing medical testing 14 or monitoring? 15 A. I'm representing simply people, as 16 I stated before, that are to be 17 compensated for expenses that they -- 18 when they were under the recalled 19 product, pertaining to doctors' visits 20 or any testing and medication expenses. 21 That's the only understanding 22 I have of what I'm representing. 23 Q. Do those people who you represent, 24 do their expenses include future medical 25 testing and monitoring as a result of</p>
Page 106	Page 108
<p>1 believe Digitek caused them pain and 2 suffering? 3 A. No. 4 Q. Do you represent people who 5 believe they are entitled to expenses 6 for continuing medical monitoring? 7 A. Can you rephrase that? 8 I don't quite understand what 9 you mean by that. 10 Q. Do you represent people who need 11 continuing, ongoing medical testing and 12 monitoring as a result of their use of 13 Digitek? 14 A. This would involve a personal, on 15 a personal injury basis or -- 16 Q. This would involve people who have 17 to have ongoing medical testing and 18 follow-up as a result of use of Digitek. 19 MR. PETTIT: If you 20 understand that kind of a legal 21 question, you can take a shot at 22 answering it. 23 I object. It's pretty vague 24 the way you phrased it. 25 THE WITNESS: Based on the</p>	<p>1 their use of Digitek? 2 A. I can't answer that. 3 Q. Why not? 4 A. I think if it's a result of the 5 problem with the Digitek and it's 6 related to expenses that they had to 7 incur for periodic testing, I would say 8 whatever test they need to have as a 9 result of the recalled product, that 10 would be covered in compensation. 11 Q. Do you recognize that there may be 12 some people who believe they were 13 physically or mentally injured because 14 of their use of Digitek? 15 A. I understand there may be people. 16 In my -- In my situation here, I don't 17 believe I represent them, but I do 18 understand what you're saying there. 19 Q. And those people would have also 20 paid for their Digitek, correct? 21 A. Yes. 22 Q. But you're not seeking to recover 23 anything, other than the purchase price 24 in your lawsuit, correct? 25 A. Well, I didn't have any testing or</p>

27 (Pages 105 to 108)

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<p style="text-align: right;">Page 109</p> <p>1 anything. I guess, yeah, that would be</p> <p>2 the case, yes, in my particular...</p> <p>3 Q. Do you understand that it's</p> <p>4 possible by limiting their claims to a</p> <p>5 refund claim, that you may prevent them</p> <p>6 from filing a separate suit about their</p> <p>7 claimed physical injuries?</p> <p>8 MR. PETTIT: Object to the</p> <p>9 form.</p> <p>10 THE WITNESS: I'm not an</p> <p>11 attorney, obviously. So I'm not aware</p> <p>12 of how the legal process proceeds. I'm</p> <p>13 here to represent them in this initial</p> <p>14 case.</p> <p>15 BY MR. SIMON:</p> <p>16 Q. How was it that you were selected</p> <p>17 as a class representative?</p> <p>18 MR. PETTIT: Object to the</p> <p>19 form.</p> <p>20 THE WITNESS: I was asked if</p> <p>21 I would like to represent the class.</p> <p>22 BY MR. SIMON:</p> <p>23 Q. Why do you want to represent the</p> <p>24 proposed class?</p> <p>25 MR. PETTIT: Objection.</p>	<p style="text-align: right;">Page 111</p> <p>1 defending this case in the event it</p> <p>2 finds the case to be without merit?</p> <p>3 A. I'm not aware of that, no.</p> <p>4 Q. Are you willing to incur that</p> <p>5 expense if the Court deems that</p> <p>6 appropriate?</p> <p>7 A. I don't believe -- I don't believe</p> <p>8 I can pay for that, if that's the answer</p> <p>9 that you're looking for.</p> <p>10 Q. Do you know any of the other class</p> <p>11 representatives?</p> <p>12 A. No, I don't.</p> <p>13 Q. Have you ever met any of the other</p> <p>14 class representatives?</p> <p>15 A. No, I haven't.</p> <p>16 Q. As part of this lawsuit, is your</p> <p>17 wife making a claim for loss of</p> <p>18 consortium?</p> <p>19 A. No.</p> <p>20 MR. SIMON: Thank you,</p> <p>21 Mr. Chambers.</p> <p>22 I believe that's all the</p> <p>23 questions I have.</p> <p>24 My co-counsel over here may</p> <p>25 have some questions for you. I'll look</p>
<p style="text-align: right;">Page 110</p> <p>1 Asked and answered.</p> <p>2 I guess we have to keep</p> <p>3 answering the same question over and</p> <p>4 over again, sir. Go ahead.</p> <p>5 THE WITNESS: Can you</p> <p>6 rephrase it. I'm sorry.</p> <p>7 BY MR. SIMON:</p> <p>8 Q. Why do you want to be the</p> <p>9 representative for the proposed class?</p> <p>10 MR. PETTIT: Same objection.</p> <p>11 THE WITNESS: My feelings are</p> <p>12 that if people had an outgo of income to</p> <p>13 purchase a product that's defective,</p> <p>14 that is, recalled as defective, that</p> <p>15 they're entitled to compensation</p> <p>16 financially for doctors' visits, testing</p> <p>17 and medication that they paid for.</p> <p>18 BY MR. SIMON:</p> <p>19 Q. Were you promised anything, other</p> <p>20 than recovery of your purchase price, as</p> <p>21 a class representative?</p> <p>22 A. No, I wasn't promised anything.</p> <p>23 Q. Do you understand that there's a</p> <p>24 chance the Court could order you to pay</p> <p>25 some of the defendants' costs in</p>	<p style="text-align: right;">Page 112</p> <p>1 through my notes in the interim.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MR. SIMON: Thank you.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MR. PETTIT: Maybe we can</p> <p>6 just take a short break.</p> <p>7 MR. SIMON: Sure.</p> <p>8 (Brief recess.)</p> <p>9 EXAMINATION</p> <p>10 BY MR. UNDERHILL:</p> <p>11 Q. Mr. Chambers, my name is Kevin</p> <p>12 Underhill. We were introduced earlier.</p> <p>13 I represent the Mylan defendants.</p> <p>14 A. Yes.</p> <p>15 Q. I just wanted to ask you a few</p> <p>16 questions.</p> <p>17 Have you ever suffered from</p> <p>18 sleep apnea?</p> <p>19 A. I do have sleep apnea, yes.</p> <p>20 Q. When were you first told that you</p> <p>21 have that?</p> <p>22 A. It would have been -- I was tested</p> <p>23 in, I believe, 2007, December or</p> <p>24 January. It might have been December.</p> <p>25 Q. Was this in the course of one of</p>

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<p style="text-align: right;">Page 113</p> <p>1 your regular visits?</p> <p>2 A. There's a sleep apnea center on</p> <p>3 Route 70 in Cherry Hill, and they</p> <p>4 referred me to that.</p> <p>5 Q. So you were referred there by</p> <p>6 the --</p> <p>7 A. My -- I have a pulmonary</p> <p>8 physician, Dr. Nugent, that I was</p> <p>9 referred to. As a result of my heart</p> <p>10 condition, they wanted to check to see</p> <p>11 if I had sleep apnea, so they referred</p> <p>12 me to the sleep apnea center.</p> <p>13 Q. What did they find at the center?</p> <p>14 A. They notified me that I do have</p> <p>15 sleep apnea. At the time I was still</p> <p>16 recovering from my gallbladder surgery,</p> <p>17 if I recall correctly. So that may have</p> <p>18 had, you know, a bearing on the results.</p> <p>19 I don't know.</p> <p>20 Q. Did they prescribe anything that</p> <p>21 you might do to try to control it?</p> <p>22 A. I have the CPAP machine, which I</p> <p>23 used for a little while, which I</p> <p>24 couldn't -- I couldn't sleep with it, so</p> <p>25 I discontinued using it. Because I</p>	<p style="text-align: right;">Page 115</p> <p>1 because I went and, you know, they</p> <p>2 prescribed that for me as treatment.</p> <p>3 And that's as much as I know about the</p> <p>4 whole thing.</p> <p>5 There might have been -- one</p> <p>6 of my cardiologists may have -- I don't</p> <p>7 know who it would have been or what --</p> <p>8 it would have been one of mine, I</p> <p>9 presume, that would have prescribed</p> <p>10 that.</p> <p>11 It wouldn't have been my</p> <p>12 primary doctor, my primary care</p> <p>13 physician. So it most likely would be</p> <p>14 one of my cardiologists.</p> <p>15 Q. Are you saying that one of them</p> <p>16 would have prescribed that after the</p> <p>17 first -- after your first period of</p> <p>18 using it and when you discontinued it?</p> <p>19 A. When you say "period of using it,"</p> <p>20 I went to the clinic twice and they gave</p> <p>21 me the testing overnight. It's an</p> <p>22 overnight sleep arrangement.</p> <p>23 And I don't recall the exact</p> <p>24 time span between testing, but they</p> <p>25 suggested that I get the sleep apnea</p>
<p style="text-align: right;">Page 114</p> <p>1 slept better without it than with it.</p> <p>2 Q. What kind of machine is that?</p> <p>3 A. It's a mask that you wear at night</p> <p>4 and it produces air flow to help you</p> <p>5 breath.</p> <p>6 Q. Does it -- I'm sorry.</p> <p>7 A. Go ahead.</p> <p>8 Q. Does it feed you oxygen or is it</p> <p>9 just --</p> <p>10 A. No, it's not oxygen. It's just</p> <p>11 air, room air.</p> <p>12 Q. And how long did you use that?</p> <p>13 A. I used it for a couple weeks. And</p> <p>14 I found that after about three hours or</p> <p>15 so, I couldn't -- I could sleep maybe</p> <p>16 three hours with it. I would wake up</p> <p>17 and couldn't get back to sleep, so I</p> <p>18 stopped using it.</p> <p>19 Q. Did Dr. Burke, or anyone else that</p> <p>20 you saw in your visits to ACC, did they</p> <p>21 suggest that you continue with that?</p> <p>22 A. I don't recall who suggested it.</p> <p>23 I don't have my medical records. I</p> <p>24 don't recall who suggested it.</p> <p>25 But somebody must have,</p>	<p style="text-align: right;">Page 116</p> <p>1 machine, which is the CPAP machine,</p> <p>2 which I did.</p> <p>3 A representative of the</p> <p>4 company came out and showed me how to</p> <p>5 use it and whatever. And I did use it</p> <p>6 for a short period of time after that.</p> <p>7 And I found that I was waking</p> <p>8 up in the middle of the night with the</p> <p>9 mask. You wear a mask all night long.</p> <p>10 I found I couldn't sleep properly with</p> <p>11 it, so I stopped using it.</p> <p>12 Q. When was that period that you did</p> <p>13 use it?</p> <p>14 A. As far as I can recall, it would</p> <p>15 have been late 2007, early 2008.</p> <p>16 Q. Okay. And after the end of that</p> <p>17 period, when you were visiting at ACC,</p> <p>18 did any of those doctors ever suggest</p> <p>19 you go back to it?</p> <p>20 A. No. Maybe they felt that I was</p> <p>21 still using it. I didn't notify them I</p> <p>22 went off of it. I went off it for my</p> <p>23 reasons stated, that I found I was</p> <p>24 sleeping better without it than with it.</p> <p>25 Q. So you never did go back?</p>

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<p>1 A. Right. I still have the machine. 2 I don't use it. 3 Q. What is the total amount that 4 you're claiming in this lawsuit for you 5 personally? 6 A. I guess my own situation -- my own 7 situation would be for three -- I 8 believe I had three prescriptions. I 9 might be incorrect with that. 10 My insurance pays -- I pay a 11 copay on my prescriptions. So my 12 out-of-pocket expense is \$5 a 13 prescription. 14 Q. So a total of \$15, obviously. 15 A. Right. I didn't have any testing 16 or anything else involved with it, other 17 than my routine visits. 18 I don't believe the -- well, 19 I looked at the digoxin and that wasn't 20 that expensive anyway. The digoxin one, 21 later on. I guess it's listed on there. 22 Q. Did you pay the same amount for 23 those prescriptions? 24 A. I pay \$5 for each. It's a copay, 25 \$5 of my health plan, yes.</p>	<p>1 form. 2 THE WITNESS: Based on the 3 problems I had with the contractions, I 4 don't feel it was a beneficial -- I 5 don't think it was a benefit. 6 My own personal experience, I 7 haven't had the severe contractions 8 since I stopped taking it, so... 9 BY MR. SIMON: 10 Q. Is it fair to say that you 11 received the same lack of benefit from 12 the Digitek that you received from the 13 digoxin? 14 MR. PETTIT: Object to the 15 form. 16 THE WITNESS: I don't know 17 how to answer that myself. Other than a 18 lack of benefit, basically. Yeah. 19 MR. SIMON: Can you read the 20 question back to him. That may help. 21 (The court reporter read back 22 the following: 23 "QUESTION: Is it fair to say 24 that you received the same lack of 25 benefit from the Digitek that you</p>
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<p>1 Q. By "those prescriptions," I mean 2 the digoxin. 3 A. These here, yes, they would have 4 been \$5, too. I believe if it's a 5 generic -- or if it's brand name, it's 6 15 or 20, something like that. But, I 7 guess, this is generic digoxin, I 8 believe. 9 Most likely I would have paid 10 \$5. I don't have my receipts or 11 anything with the Digitek, but it would 12 have probably been \$5. 13 MR. UNDERHILL: I don't think 14 I have anything else, unless you want to 15 follow up. 16 MR. SIMON: I think so. 17 EXAMINATION 18 BY MR. SIMON: 19 Q. I think one more question, 20 Mr. Chambers. 21 A. Sure. 22 Q. Did you receive the same benefit 23 from the Digitek that you received from 24 taking the digoxin? 25 MR. PETTIT: Object to the</p>	<p>1 received from the digoxin?") 2 THE WITNESS: I guess it 3 would be fair to say, yes. 4 MR. SIMON: Thank you. I 5 have no further questions. 6 MR. PETTIT: Any further 7 questions? 8 MR. UNDERHILL: Nothing. 9 MR. PETTIT: I have a couple 10 of questions. 11 EXAMINATION 12 BY MR. PETTIT: 13 Q. Mr. Chambers, you told defense 14 counsel that, in June 2008 or so, you 15 discussed an alternative digoxin after 16 Digitek was removed from the market, 17 right? 18 A. I was essentially stating that I 19 was waiting for somebody to prescribe 20 something to replace the Digitek. 21 Q. Right. 22 And in about June 2008, you 23 talked to defense counsel about going to 24 see Dr. Burke and discussing a different 25 kind of digoxin, correct?</p>

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Alan W. Chambers

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<p>1 A. I believe so, yes.</p> <p>2 Q. If at the time of the recall you</p> <p>3 didn't have a regular routine visit</p> <p>4 scheduled four or five or six weeks</p> <p>5 later, would you have called Dr. Burke</p> <p>6 to set up an appointment to talk about</p> <p>7 an alternative?</p> <p>8 A. Yes, I would have. Yes.</p> <p>9 Q. And I just want to see if I can</p> <p>10 clarify this fact sheet situation. Just</p> <p>11 to refocus you, defense counsel has</p> <p>12 showed you this and it's been marked as</p> <p>13 D-1, Exhibit D-1, and he showed you your</p> <p>14 signature.</p> <p>15 This is a photocopy,</p> <p>16 obviously.</p> <p>17 A. Yes.</p> <p>18 Q. Correct?</p> <p>19 A. Yes.</p> <p>20 Q. Now, do you remember sitting with</p> <p>21 an attorney and a paralegal right here</p> <p>22 in this conference room --</p> <p>23 A. Yes, I do.</p> <p>24 Q. -- for two or three hours --</p> <p>25 A. Exactly.</p>	<p>1 Q. Do you recall sitting here again</p> <p>2 and going over it for about ten</p> <p>3 minutes --</p> <p>4 A. Yes.</p> <p>5 Q. -- and signing it?</p> <p>6 A. Yes, I do. Yes.</p> <p>7 Q. Did you look at the fact sheet at</p> <p>8 that time?</p> <p>9 A. No, I didn't.</p> <p>10 Q. Did you trust the attorney and the</p> <p>11 paralegal to properly type down the</p> <p>12 information you had given them?</p> <p>13 A. Yes, I did.</p> <p>14 Q. And did the paralegal give you a</p> <p>15 photocopy of the fact sheet?</p> <p>16 A. Yes.</p> <p>17 MR. PETTIT: That's all I</p> <p>18 have.</p> <p>19 MR. SIMON: That's it.</p> <p>20 (Witness excused.)</p> <p>21 (Deposition concluded at</p> <p>22 12:58 p.m.)</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 Q. -- going through the fact sheet?</p> <p>2 A. Yes, I do.</p> <p>3 Q. Do you remember them photocopying</p> <p>4 the fact sheet so you could work with</p> <p>5 it --</p> <p>6 A. Yes.</p> <p>7 Q. -- with the paralegal in this</p> <p>8 issue?</p> <p>9 A. Yes, I do.</p> <p>10 Q. And did you look at all the fact</p> <p>11 sheet questions and go over it with my</p> <p>12 paralegal and one of our associates?</p> <p>13 A. I went over with the legal -- I</p> <p>14 just basically answered the questions</p> <p>15 from the form. I didn't go over it</p> <p>16 physically myself.</p> <p>17 Q. Right.</p> <p>18 A. It was the same form, so I didn't</p> <p>19 -- you know, they were asking me</p> <p>20 questions for the fact sheet from the</p> <p>21 same form, so...</p> <p>22 Q. And do you recall after it got</p> <p>23 typed up, the paralegal called you to</p> <p>24 come in to the office?</p> <p>25 A. Yes.</p>	<p>1 WITNESS CERTIFICATION</p> <p>2</p> <p>3 I hereby certify that I</p> <p>4 have read the foregoing transcript of my</p> <p>5 deposition testimony, and that my</p> <p>6 answers to the questions propounded,</p> <p>7 with the attached corrections or</p> <p>8 changes, if any, are true and correct.</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 DATE ALAN W. CHAMBERS</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 PRINTED NAME</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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